

# **Regular City Council Meeting**

## **December 12, 2016**

### **Agenda**

**7:30 p.m.**      **Call to Order**  
                  **Pledge of Allegiance**  
                  **Roll Call**  
                  **Approval of Minutes: November 28, 2016**  
                  **Approval of Bills:**  
                  **Approval of Agenda**  
  
                  **Public Comment**

**I.    Old Business –**

1. Consider acceptance or rejection of property tax and poverty exemption criteria:
  - a. Establishing a limit on SEV meaning a property with an SEV above a set limit would not be eligible
  - b. Establishing a limit on the number of consecutive years a person is eligible for a poverty exemption
2. Discussion of Conflict of Interest and consider next steps:
  - a. Ratifying Pullum Windows bid acceptance votes
  - b. Consider and identify ways to conduct investigation and next steps.

**II.   New Business-**

1. Consider approval meeting dates for 2017

**III.   Discussion- Downtown**

**IV.   Manager's Report**

**V.    Council Comments-**

**VI.   Adjournment**

CITY OF SOUTH LYON  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 28, 2016

Mayor Galeas called the meeting to order at 7:30 p.m.

Mayor Galeas led those present in the Pledge of Allegiance

PRESENT: Mayor Galeas, Council Members; Kivell, Kramer, Kurtzweil, Parisien, Rzyzi, and Wedell  
ALSO PRESENT: City Manager Ladner, Chief Collins, Department Head Martin, Clerk/Treasurer Deaton, Chief Kennedy and Attorney Wilhelm

MINUTES-

Councilmember Kurtzweil stated she has several comments. She stated she doesn't recall the statement made by Attorney Wilhelm was part of the minutes, it was just a side comment, it was not part of the October 24<sup>th</sup> minutes. She further stated on page 4, it says Councilmember Kurtzweil stated she is not comfortable with this, and with is in the sentence twice. She further stated on page 6 she would like two of her comments added. Councilmember Kurtzweil stated she would have to disqualify herself from voting on anything that involves Colonial Acres. Councilmember Kurtzweil stated again she cannot vote on anything involving Colonial Acres. She further stated on page 10, the name Dawn Belinger should be spelled Tawn Veliger.

BILLS- None

CM 11-1-16 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Kivell, supported by Parisien

Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

AGENDA

Councilmember Rzyzi stated he would like to add item #8 under New Business for a discussion involving a conflict of interest involving Councilmember Kivell and Pullum Windows

CM 11-2-16 MOTION TO APPROVE AGENDA AS AMENDED

Motion by Rzyzi, supported by Kurtzweil

Motion to approve the agenda as amended

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Carl Richards of 390 Lenox stated the DPW is prepared for the ice, snow and cold weather. He stated he is delighted we have high school students here, and people ask him why he never says anything about our sports teams. He further stated our sports teams are all ambassadors for our community and they exhibit confidence and character and carry a sense of pride. Mr. Richards stated Cool Yule is this weekend and hopes the weather cooperates. He further stated the Christmas House is open which is also known as the Weather Head House. He stated South Lyon City Council was on the WHMI radio

11/28/16

station which he has never heard of happening before. He further stated some Council comments were quoted as well. He doesn't know who reported this, but it wasn't him. Someone had to have called them and given them the minutes.

#### OLD BUSINESS

##### 1. Discussion with Executive leadership of GFL USA (formerly Rizzo Environmental)

Patrick Dovigi, CEO and founder of GFL stated he is here to answer any questions Council may have. He further stated he founded the company in 2007. He further stated they closed the acquisition of Rizzo Environmental on September 30<sup>th</sup>, and two weeks after they found out the troublesome news as everyone else did. They were not aware of any of the actions that may or may not have taken place. He further stated GFL is focusing on making business better. He further stated there were a few changes in management such as Chuck Rizzo resigning and they are moving forward with the existing plan which is to provide their customers with the best service at the best price. Councilmember Kurtzweil asked what he is doing as the CEO of a multimillion dollar international corporation to stem the tide of public corruption. Mr. Dovigi stated this wasn't identified before they purchased Rizzo. He further stated they have strict anti-bribery policies that all employees must sign. He further stated they have a zero-tolerance policy and it will not happen again. Mr. Dovigi stated they have hired forensic auditors and from what they have found, as of right now there were only one or two people involved from Rizzo. Councilmember Kurtzweil asked how their bid process works in Canada. Mr. Dovigi stated it is more refined in Canada. It is an RFP process and it is an open bid process. Councilmember Kurtzweil asked if the Attorney for GFL could explain the stock purchase versus an asset purchase. Attorney Richard Manczak at Varnum Law Firm stated it was structured as a stock purchase agreement by demand of the seller. Rizzo Environmental Services was owned by a holding company named Rizzo Holdings, which was owned by various investors. The stock in Rizzo Holdings was sold by the Rizzo Group to an indirect subsidiary of GFL in a stock purchase deal. Rizzo Environmental Services is still owned by Rizzo Holdings as it was before. The only difference is the ownership of Rizzo Holdings have new investors that own the company. As a result, since there was no change in the legal identity of the company, there was no assignment of the contract. The assignment clause which requires the approval of the City for any assignment of the contract was not triggered because there was no assignment. Councilmember Kurtzweil stated GFL is a wholly owned subsidiary of the Rizzo Holdings company. Mr. Manczak stated they are. Councilmember Kramer stated the assets purchased by Rizzo from Duncan is now the property of GFL. He further stated to get around the asset purchase which would have made it into an assignment, it was made into a stock purchase. Councilmember Kramer asked how long the negotiations were happening. Mr. Dovigi stated the negotiations were happening off and on for about a year. He stated the negotiations broke down in the spring. He further stated he didn't buy the stock to get around the contract assignment. He stated it made more sense. Councilmember Kurtzweil stated there are various reasons for doing a stock purchase as opposed to an asset purchase, most times it is for tax benefits. Councilmember Rzyzi stated it seems GFL was thrust into a bad situation, but from his point of view, we have had the same service for many years, including a locally owned business which participated in the community. Unfortunately, the Rizzo name is now somewhat tainted, and he wants a guarantee all of the corruption has been eliminated. Mr. Dovigi stated he doesn't know everything that happened before they owned the business, but he can say it was eliminated since they purchased the business. He further stated they have assumed the liabilities when they purchased the stock, and

they have extensive holdbacks that they can rely on, and they are going through all of the steps to ensure no corruption is occurring. Councilmember Ryzyi stated he also wants to ensure we continue to receive the type of service we have had in the past, and would like the cost to stay in line with what we have been paying. Mr. Dovigi stated they focus on the best service with the best price. They are committed to this market and will keep moving ahead, and they are highly focused. Councilmember Ryzyi stated Duncan always provided free dumpsters for our local events. Mr. Dovigi stated they would do that as well. Mayor Galeas stated Duncan did a tremendous job for the City. Councilmember Parisien stated her main concern was what further assurance they would provide, because this contract was entered into quickly, and it falls back on the Council because we entered into the contract and in light of the circumstances of what happened with the companies, it seems tainted. She further stated Mr. Dovigi already stated they will comply and the employees will have training, and as long as those compliances are in effect she is more comfortable with the contract. She thanked him for coming before Council and answering their questions and concerns. Councilmember Kivell thanked him for coming before Council and he finds it is unrealistic GFL is being held responsible for another company's problems. He stated GFL seems to have bent over backwards to ensure no issue will occur. Councilmember Kivell stated Rizzo's management team has only been here a short time, but the most critical part of the contract is that GFL performs precisely to the contract we had with Duncan, because we have an enhanced version with appliance removal and those are important aspects of the contract. He stated he hope we can keep our existing contract as long as the level of service is there, and the cost doesn't grow too much. Mr. Dovigi stated it is his goal to maintain the price and give the best service.

## 2. Consider approval of final site plan for Thomasville Development

Councilmember Kurtzweil stated she has a conflict of interest. She further stated conflicts of interest are in the business environment as well as government. She stated if you're experienced with managing conflict of interest you can make a good business decision and solution on how it may or may not affect your decision moving forward. Councilmember Kurtzweil stated the general definition is if you have a personal financial consideration that may compromise your business judgement. You need to make sure you are making a judgement for the best of the entity. She further discussed managing a conflict of interest. Councilmember Kurtzweil stated she represented Colonial Acres Phase 5 in 2004 for the utility dedication. She further stated in that time some land was sold to a developer, but she didn't represent them regarding the sale of the land. She stated she learned that when she was on the Planning Commission. She stated at the last Council meetings, she asserted she needed to disqualify herself with any votes regarding Colonial Acres. She stated no one from Colonial Acres contacted her about the easement. She stated she is experienced with managing conflict of interest and if one exists, you need to make it known right away, which is what she did. She said she could not have handled the situation any better. Councilmember Kurtzweil stated she has worked through how she is planning on managing this. She further stated she will not be paid for anything she reviews, and she will not be drafting anything regarding the easement. She stated she rejects any legal advice from the City Attorney, she doesn't trust his legal opinion and she has reasons why. Mayor Galeas stated there is no need for personal attacks on anyone. Councilmember Kurtzweil stated she will only converse with the client, she will not discuss the easement with anyone on Council. She has not made any phone calls to anyone on Council or any members of any commission. She further stated she has no contact with Council outside of

meetings. She stated she asks to be removed from any documents regarding the status of this development. She further stated there is no legal authority that she should have to leave the room during a discussion on this. She further stated she will not sit at the Council table, but she will not leave the room. She stated this is an open meeting and she has a statutory right to remain in any open meeting as long as she peacefully observes. Councilmember Kurtzweil stated she has a legal right to sue the City of South Lyon if she is asked to leave the room based on the open meetings act. She further stated the fact the City Attorney even suggests she leave the room suggests a misunderstanding of the Open Meetings Act. She further stated the OMA is about transparency of government and protects the people. There are criminal sanctions for violating the OMA.

Councilmember Kramer asked if Councilmember Kurtzweil is an attorney on record for her client. Councilmember Kurtzweil stated she is not. Councilmember Kurtzweil stated they will hear from her attorney.

Councilmember Kramer stated she is telling Council how she will deal with the conflict of interest but she doesn't want them to ask our City Attorney how to deal with this, yet she has already gotten an attorney.

Councilmember Parisien stated going back to the actual issue if there is a conflict of interest, she commends her for coming forward if there is a conflict of interest, but there is a level of being professional when you should disclose, yet you should still respect each other, whether you agree with each other or not. She further stated if as much effort was put into the City, that was put into that commentary, we would have wonders happening in the City.

Attorney Wilhelm stated there was no request made to Councilmember Kurtzweil to leave the room during this discussion. There was a discussion and the recognition of the conflict was made, and he commends her for that. He further stated it would be the best practice as a Councilmember with a conflict of interest to remove themselves from the discussion. He stated there has not been a demand to leave the room, it was a discussion and a recommendation.

Councilmember Kivell stated the developer has not provided the items necessary to move forward, he would like to table this until another day. City Manager Ladner stated she does not have a timeline of when they hope to have the proper paperwork.

#### CM 11-3-16 MOTION TO TABLE THE FINAL SITE PLAN AND PUD AGREEMENT FOR THOMASVILLE DEVELOPMENT

Motion by Kivell, supported by Wedell

Motion to table until all required paperwork is completed

VOTE: MOTION CARRIED UNANIMOUSLY

Councilmember Ryzyi stated this is a controversial issue. This development was supposed to be a transition with Colonial Acres without a lot of disruption. He further stated at the last meeting he asked for a listing of restrictions that were originally on the agreement as well as any restrictions that were removed. He further stated he will not vote yes on this until there is a signed agreement between all the phases of Colonial Acres.

Pamela Ortner of 61354 Heritage Blvd asked if there were two entrances and exits from that property. Councilmember Kivell stated that was Fire and Police Departments suggestion. City Manager Ladner stated there is not two entrances. Ms. Ortner stated this is a safety issue, and they have many other concerns. Councilmember Kivell asked if Ms. Ortner attended any of the planning commission meetings

when this was discussed. Ms. Ortner stated she wasn't aware of this until the last Council meeting. City Manager Ladner stated nothing has been done within the last month and a half. She further stated everyone in Colonial Acres would have received notice regarding the public hearings. Ms. Ortner stated there are no sidewalks in Colonial Acres and many people like to walk through the development and walk their dogs, and if the easement is approved, there will be an increase in traffic, which is a concern. She asked if there have been any traffic studies done.

Bruce Hueber of 25234 Franklin Terrace stated he is the President of Phase 3 and on the Board for Colonial Acres and is concerned and if the City needs the access from Pontiac Trail to Eleven Mile, why doesn't the City claim eminent domain and take over Heritage Blvd. It is private property and they pay for the upkeep of the road. This doesn't make any sense.

### 3. Consider approval of second reading of Housing Commission Ordinance Amendment

#### CM 11-4-16 MOTION TO APPROVE THE SECOND READING HOUSING COMMISSION ORDINANCE AMENDMENT

Motion by Kivell, supported by Kramer

Motion to approve the second reading of the Ordinance to amend Chapter 34, Article IV of the City of South Lyon Code of Ordinances by repealing Sections 34-87 through 34-91 and amending Section 34-84

VOTE:

MOTION CARRIED UNANIMOUSLY

#### NEW BUSINESS

##### 1. Consider approval of quit claim deed for South Lyon Housing Authority

Attorney Wilhelm stated there is a rental assistance demonstration conversion that allows the Housing Commission to utilize different financing. He stated he had a few meetings in 2012 with the executive director, and it is his understanding the Housing Commission believe this is a good thing. HUD has advised the City needs to quit claim the deed to the South Lyon Housing Commission. Councilmember Kramer asked if this property was on our tax roll. City Manager Ladner said it is not, but it is on our liability insurance. When we are off the deed they will have to acquire their own insurance. Department Head Martin stated he has been on the Housing Commission for 14 years, and they have worked toward this for many years. This will help the Housing Commission as well as the City. Councilmember Kurtzweil stated the on the original warranty deed the grantee was the City of South Lyon acting by and through the South Lyon Housing Commission, and why is that grantee not the grantor. Attorney Wilhelm stated that was a judgement call. We want the City to quit claim the interest in the property to the Housing Commission. Councilmember Kurtzweil stated the City was acting as the Housing Commission, and are you just removing the City of South Lyon from the deed. She further stated if the trust is still intact, the City will still have interest in the property.

#### 11-5-16 MOTION TO APPROVE THE QUIT CLAIM DEED FROM THE CITY OF SOUTH LYON TO THE SOUTH LYON HOUSING COMMISSION

Motion by Kramer, supported by Parisien

Motion to approve the quit claim deed from the City of South Lyon to the South Lyon Housing Commission as to the property located at 432 Washington Avenue, South Lyon

Michigan, 48178, tax identification number 21-30-234-006 and authorize the Mayor and City Clerk to execute same

VOTE: MOTION CARRIED UNANIMOUSLY

Mayor Galeas called for a brief recess at 8:50 p.m.

Mayor Galeas called the meeting to order at 8:53 p.m.

## 2. Consider approval of Parks and Recreation Master Plan

City Manager Ladner stated Marc Russell as well as a member of the Parks and Recreation Commission, are present if anyone has any concerns or questions. Councilmember Kivell stated on page 27 under objective C at the end of the first line should say maintenance, not maintain. He further stated on page 24 there is a point about an online survey. He further stated there was 180 respondents, and for 2/3 of the people their first priority was for a splash park. Councilmember Kivell stated it was an unscientific survey and it seems incidental and he would have preferred to know what the people that actually attended the meetings want to see. Councilmember Kivell stated on page 28 there was a mention of a recreation center, and he was hoping to see something regarding what people are willing to pay for the things they are wanting. He further stated he is hoping there is money available in the future for the chronological plans the Parks and Recreation Commission has laid out. Marc Russell of Russell Design stated that is a bench mark, and we can peck away at it and carry it forward. He further stated the most popular discussion was about getting grants, but to get grants, we also have to have a match for the funds. He stated they will do their best with fundraising, private donations and sponsorships. Mr. Russell stated Carmine Avantini co-authored this document with him, and they did the surveys together as well. Councilmember Ryzyi stated this was very well done, and it is much needed. He further stated the two items that stood out to him. First was the paving of the roads at Volunteer Park. Department Head Martin stated Oakland County grades the roads four times a year, and it does get better as the summer goes along. Councilmember Ryzyi stated it would be nice if the DPW could work on it as well. Department Head Martin stated we don't have a road grader to do that. Councilmember Ryzyi stated the second thing that stood out was the recreation center information. He stated it makes him uneasy to consider having a recreation center inside the City limits. We don't have room for a huge building such as that. Councilmember Kramer stated he would like to see a recreation center, and he believes Lyon Township will have their own recreation center in the next ten years. Councilmember Kurtzweil stated on page 21 there is a listing of private parks, and Clarks Crossing has a very nice small park tucked away near the bike path, and she would like that park to have the recognition. Councilmember Kurtzweil stated she hopes we have the money to deal with this because competition comes in the downtown area and it is coming in the recreation area. She further stated Northfield Township just purchased acreage in Whitmore Lake which will be developed in the next five years. Councilmember Kurtzweil stated we are competing for funds, and they are far ahead of us. She stated some of the developers in Lyon Township have kicked in money to develop the park land on Milford Road. Councilmember Kurtzweil stated Parks and Recreation are a dedicated group of individuals, and she has a lot of confidence in that commission.

### CM 11-5-16 MOTION TO APPROVE RESOLUTION ADOPTING THE PARKS AND RECREATION MASTER PLAN

Motion by Kramer, supported by Ryzyi

Motion to approve the resolution adopting the Parks and Recreation Master Plan

11/28/16

VOTE:

MOTION CARRIED UNANIMOUSLY

## 3. Consider approval of City of South Lyon Master Plan

Carmine Avantini of CIB Planning stated there have been a couple of amendments that need to be made, as well as some dates to be filled in. He further stated there is a strong focus on downtown as well as McHattie Park, maintaining the traditional character of downtown as well as the residential areas. Mr. Avantini stated we had a lot of input from the Planning Commission. He further stated we are all happy with this and everyone is proud of this Master Plan. Councilmember Parisien stated she appreciates all the hard work everyone put into this. She further stated capturing the downtown feel of the charm of our City is great, and it is important to preserve that feeling. Councilmember Parisien asked what the natural surveillance pertains to in the Master Plan. Mr. Avantini stated the term natural surveillance refers to an active downtown which means having more people walking around which creates added safety because there are always eyes on what's happening. Mr. Avantini stated he would like to remind everyone that Councilmember Kurtzweil was on the Planning Commission much of the time we were working on the Master Plan. Councilmember Kivell stated he appreciates all the effort everyone has put into this Master Plan. He stated the Master Plan has a different vision for the west side of N Lafayette than he does, but he is comforted knowing that this won't preclude something different from what the drawing looks like because if we can get the downtown thriving, we can get the developers to understand we are a viable community. He further stated this was very well done, and he is happy we are finally approving this. Councilmember Rzyzi stated it is great to see all the small nuances such as the overhangs, the multi-level buildings. We need to keep our old charm, and we don't want to be Novi or Northville, but bring some of the nicer aspects to the City. He further stated rumors get started very easily and on page 56 there is a picture of a sign for Walmart, if we could remove that, it would be helpful so people don't get the wrong idea.

Mayor Galeas stated he has lived in the downtown a long time and it is important to keep our downtown historic and quaint. He further stated he wants to make sure this information gets out to everyone and we really need to promote this Master Plan. Councilmember Rzyzi stated now that the Master Plan is being adopted, we need to make sure we follow it, and we need to make sure all of our decisions are consistent. Councilmember Kurtzweil stated she remembers working on these years ago, and it was like working on a blank canvas and this is a brand new vision. This is a major step forward in the planning for the City. She further stated we have to follow through with the Master Plan, and if we don't follow it, we will end up where we have been for the last 30 years. She stated this is a very good plan. She stated this is an important document and we need to follow it, it cannot sit in a drawer anymore.

CM 11-6-16 MOTION TO APPROVE RESOLUTION TO ADOPT THE NEW SOUTH LYON MASTER PLAN

Motion by Rzyzi, supported Kramer

Motion to approve resolution to adopt the new South Lyon Master Plan

VOTE:

MOTION CARRIED UNANIMOUSLY



#### 4. Consider approval of Phase 1 cost estimate for Volunteer Park improvements

Marc Russell of Russell Engineering stated to recap, Phase 1 is the east side of the park and it includes two ball fields, two comfort stations and a bridge over the drain. He further stated he worked with HRC and Department Head Martin for the cost estimate for the water and storm sewer estimate. He further stated none of the fields are currently lighted, there was some discussion about that, but nothing is confirmed yet. He stated he worked with Laura Martin from the Metro Parks regarding composting toilets in the first two comfort stations. He further stated the cut and fill and land balancing will begin to get the fields playable. Councilmember Kivell asked if the water will be supplied by the well that is there for the sprinklers. City Manager Ladner stated there is a cost estimate for running a water main. Mr. Russell stated it will be difficult to get public funding for the fields, versus for walking paths and such. Councilmember Kramer asked who is coordinating the fundraising efforts because he knows a lot of the leagues are seeking corporate donors. Mr. Russell stated Amy Allen from South Lyon Recreation Authority is working on that. He further stated everyone seems to want to participate as much as possible. Councilmember Kramer stated we have a contract with the person that does the farming on the property. City Manager Ladner stated the contract expired and it was not renewed, and we don't have to give him notice. Councilmember Kivell stated many people would like to keep some natural paths trails, and asked if any groups have shown interest in helping with that. Mr. Russell stated they have shown some interest. He further stated we only have to have 20% passable, but using fresh stone or limestone, can be traversed and the DNR looks favorably upon those types of paths. Mayor Galeas stated it is a great opportunity for high schools to get involved with the environmental part of this. He further stated it is important to make sure everyone is aware of this and hopes they will get involved. Councilmember Kurtzweil stated she believes the money is going to be there, and this is 20 years in the making. She stated people and organizations are already discussing this. She further stated this could be a management issue. She stated at some point, we will need to look at if an organization comes in with the money for fields, but if all the other amenities never get completed because the City doesn't have the money, it appears spotty. Mr. Russell stated the committee has discussed that, and they want quality fields to help support the downtown businesses and housing by having recreational facilities and he believes one can support the other. Councilmember Kurtzweil stated this can be a nightmare or it can be a great public relations thing for the City because she can see the organizations raising money, then having the money sit for years and nothing getting done. She further stated there is going to be a timing issue and the City needs to have some strong organizational skills on this. Councilmember Ryzyi stated he is in full support of this and he will help with fundraisers. He further stated his son is part of the Panthers and sometimes the sports overlap for the parents with multiple children and it is difficult for them to get to each event, and whatever can be done will be terrific. Councilmember Ryzyi asked if the cost estimate of \$5.2 million can be broken up between the different phases. Mr. Russell stated this is just for Phase 1.

#### CM 11-7-16 MOTION TO APPROVE PHASE 1 COST ESTIMATE FOR VOLUNTEER PARK

Motion by Kramer, supported by Kivell

Motion to approve Phase 1 cost estimate for Volunteer Park improvements

11/28/16

VOTE:

MOTION CARRIED UNANIMOUSLY

## 5. Consider approval for Pint Sized Marathon and related road closures

Chief Collins stated this is similar to the past event and the Police Department are in full support of this. Stephanie Rife of Footprints Fitness stated they are a non-profit 501c3 and based in South Lyon. This is the 3<sup>rd</sup> year they are doing this event. The funds go directly to the services in the school. They supply yoga services to the elementary schools at no cost to them. She further stated they want to promote an active community and they pair this with Witches Hat Brewery to get more adults involved. Families participate with their children. She further stated it has been very successful in the past and the race sold out twice in the past.

CM 11-8-16 MOTION TO APPROVE THE PINT-SIZED MARATHON AND ROAD CLOSURES

Motion by Ryzyi, supported by Perisian

Motion to approve the closure of Dorothy Street between Pontiac Trail and McMunn, McMunn between Dorothy and McHattie, McHattie between McMunn and Washington, Washington between McHattie and the Rail Trail on April 29, 2017 between 11:30 a.m. and 2:00 p.m.; and to approve use of the Witch's Hat Depot, McHattie Park and Rail Trails for the Pint Sized Marathon

VOTE:

MOTION CARRIED UNANIMOUSLY

## 6. Consider approval of auction sale of Water Dept. out of service vehicle

Department Head Martin stated we have sold vehicles in the past on the MITN for about 5 or 6 years. He stated we have had a lot of success with them. He would like to sell an older vehicle with a beginning bid of \$100.

CM 11-9-16 MOTION TO APPROVE THE SALE OF 2002 DODGE DAKOTA

Motion by Wedell, supported by Kivell

Motion to approve sale of 2002 Dodge Dakota VIN #1B7GG16X42S519354

VOTE:

MOTION CARRIED UNANIMOUSLY

## 7. Consider approval of purchase of Department Head vehicle

Department Head Martin stated he is asking to purchase a used vehicle for himself and other employees that may need to go to educational classes. He further stated this vehicle is included in the budget. He further stated Varsity Ford has a 2014 Escape that is great condition with 6,000 miles. He further stated the cost is \$21,114.00 and it should last many years. Councilmember Ryzyi stated the current vehicle is rusted out and very junky, so he agrees a new vehicle is needed. He further stated we need to run government as a business, and purchasing a lightly used vehicle is great. Councilmember Kurtzweil asked if Department Head Martin could give her the line item numbers after the meeting where this was budgeted for.

11/28/16

CM 11-10-16 MOTION TO APPROVE PURCHASE OF 2014 FORD 4X4 SE ESCAPE FROM VARSITY FORD

Motion by Kurtzweil, supported by Kramer

Motion to approve purchase of 2014 Ford 4X4 SE Escape from Varsity Ford

VOTE: MOTION CARRIED UNANIMOUSLY

8. Discussion regarding conflict of interest with Councilmember Kivell and Pullum Windows

Councilmember Kivell stated when the item was brought up about the Police Department needing new windows, he wasn't aware of anything else until the bids were brought back to Council by Lt. Sovik or Chief Collins. At that time, he noticed Pullum Windows had made a very competitive bid winning the low bid of the project. He was happy the owner of the business stepped up with an interest to help out his community. He further stated he has no interest financially, he builds windows. He further stated he doesn't get anything extra. Mr. Kivell stated after the bid was achieved Charlie Pullum told him he doesn't believe Lt. Sovik understood what exactly is going on with the windows. He stated they sell many different high end windows. He further stated Charlie Pullum wanted to make their own windows for that building with an oak interior. Mr. Kivell stated he was adamant about pursuing that. He further stated when the bid approval came about, he didn't think twice about it, he has no financial gain. He further stated it would have been in his and Council's best interest if he had recognized that, to eliminate the potential of a conflict of interest, and for that he apologizes.

Councilmember Rzyzi stated he added this to the discussion because it is very serious and more serious than an oversight. He further stated most of the people on Council care about the residents, and everyone puts on their best face, but behind the scenes not everyone is so nice. He stated he was offended by the letter from City Attorney Wilhelm regarding the conflict of interest of Councilmember Kurtzweil. He further stated additionally, he felt as though he was cut off by Mayor Galeas. He stated Attorney Wilhelm stated has shown bias regarding himself and Councilmember Kurtzweil on multiple occasions. He further there is more than meets the eye with how people are treated on this Council. He stated he wants to commend Councilmember Kurtzweil for bringing her conflict of interest forth. He further stated Councilmembers Kivell conflict is a serious topic. He quoted a letter from the City Attorney which stated his employment with Pullum was a clear conflict of interest because it would tend to impair his independence of judgement as a Councilmember. He further quoted his failure to disclose his employment with a potential bidder was improper and contrary to the City's Code of Ethics.

Mayor Galeas stated the overall tone of this Council of being mean and rude to people across the board is unacceptable, and it doesn't matter who it comes from. We should treat people the way we want to be treated and we should be able to discuss things in a business-like matter whether everyone agrees with each other or not. He further stated you have to pay attention and some things are done innocently and you can't let personal things from the past interfere with your decisions. He stated when he was on Council years ago, someone did some work on his vehicle, and he then found out that person was also doing some work for the City. He let the City Manager know. He further stated if you don't acknowledge it, everyone thinks the worse. He thinks differently than other people and he thinks we need to pay attention to the real issues, not what is personally happening. Mayor Galeas stated there is a lot of good going on, but the sidetracking and the things that are taking our minds off of what we should be doing as a Council.

Councilmember Kramer stated between the last meeting and this meeting we have had two conflict of interest issues. The difference was councilmembers Kurtzweil conflict was disclosed. It bothers him that Councilmember Kivell's was not disclosed. He believes it needs to be discussed, he has a problem with an issue with rewarding contracts when he doesn't know if there was a financial interest or not. Councilmember Kurtzweil stated she manages conflicts of interests professionally and she has insight on that and conflict management. She further stated she won't let Council control her career or her reputation. That is why she took the steps to manage her conflict because she has a history with this Council. She doesn't trust this Council to protect her reputation. She further stated you are supposed to acknowledge a conflict of interest even if you're not sure it is one, you shouldn't get to the deliberative process. This is very serious and she doesn't know if she buys that Councilmember Kivell didn't know, because he was fully aware of bringing to the attention of Mayor Wallace's conflict of interest with the cable channel. She further stated she thinks this is a very blatant conflict of interest and this is serious because this is now a criminal misdemeanor and maybe he wants to plead the 5<sup>th</sup>. Councilmember Kurtzweil stated there are criminal consequences. She further stated she finds it disturbing that this issue didn't come up until November 18<sup>th</sup>. She stated the window contract was voted on in August. She stated she doubts if this would have come to light if she wouldn't have made the phone call to the City Attorney. She stated there was no initiative by the holder of the conflict of interest being done. She further stated when she was at the Council meeting, she put Council on notice that she wouldn't continue talking about her conflict of interest, and she is bothered because this would not have been disclosed if it wasn't for her. She further stated it is bothersome to her that she spoke with the City Attorney on the 18<sup>th</sup> of November and she was shocked that he said he had heard that to, and the correct thing to do would be to rescind the vote. She stated she was shocked because she is being objective and why is it she calls and says what she heard and she inquires about it, and then the Attorney heard it also. She stated she wants to give Attorney Wilhelm a few compliments, such as he has learned from the BOR issue was this was a public meeting and the letter didn't say Attorney Client Confidential, as it did regarding the BOR meeting. She further stated the Mayor and Council has now learned that they cannot deny someone from adding something to an agenda as she was regarding a BOR issue that took place during a public meeting. She further stated this tells her this shows that learning process has begun and we are beginning to make the transition from where we were in January. These things are now being handled more professionally. She further stated when a conflict of interest arises with money, you let the Chief of Police be aware of the situation, and on this letter the learning process has started because the letter was copied to the Chief of Police. Councilmember Kurtzweil stated she is bothered that Attorney Wilhelm had a hunch about this conflict of interest and he didn't act on it, and it didn't get acted on until she made the phone call. She further stated the other issue, is the email on Monday the 21<sup>st</sup> stated he confirmed with Councilmember Kivell that he was working at Pullum at the time of the vote. Attorney Wilhelm stated Councilmember Kurtzweil is taking a phone conversation out of context, after the phone conversation he did more research and he doesn't understand what she is critical of. Attorney Wilhelm stated he had no context of the window contract and when Councilmember Kivell worked at Pullum. He further stated he had no information on the dates or timing. He thanked her for bringing this to his attention, this has been dealt with. He further stated it was a course of 7 days between the time he was alerted about this, and communication was sent to Council. He further stated this was over the Thanksgiving Holiday, and he is working as quickly as he can within the parameters he has to work in and he represents the City's business, not any particular Councilmembers. Attorney Wilhelm stated he is not biased towards any Councilmembers and

he is offended by the allegation that he is somehow biased toward any Councilmembers. Councilmember Ryzyi stated he doesn't agree with that. Councilmember Kramer asked if Councilmember Kurtzweil sent an email to any Councilmembers regarding her conflict of interest. She stated she did not, she was working it out with the City Attorney. Further conflict continued. Mayor Galeas gaveled and called the meeting back to order. He stated this has been an ongoing problem, and the arguing in public is embarrassing. We can disagree with other people, but everyone needs to take a breath, some members of Council treat each other very badly. He further stated this is all personal and it needs to stop. He stated some people do not seem to want to be part of the team, and if you yell at everyone all the time he has to say something because there are good things happening, except for the infighting on Council. Department Head Martin stated he has worked for the City of 39 years, and he manages 17 employees, and they all watch these meetings, and he deals with them weekly, because they comment on what happens in these meetings. He further stated after 39 years, having to sit in these meetings, and listen to the infighting, when it has nothing to do with the performance he and his employees try to do for the City. He and his employees love the City, and it makes him want to get up and leave.

Councilmember Parisien stated it is embarrassing. Councilmember Kurtzweil stated she had an issue because there was a delay and it was an obvious conflict of interest. She further stated when your employer is involved with what you do for a living, but if you don't have knowledge of the conflict, how can you hold them accountable. This is not the case, this involves a person that is very seasoned with conflicts of interest, and it wasn't disclosed for 4 months. She doesn't believe this was a mishap. This is extremely serious. Councilmember Parisien stated she would like to backtrack to 40 minutes ago, when this issue was brought up. She further stated the first letter regarding Councilmember Kurtzweil did not have accusatory tones, and it was professionally written. The second letter was practically identical in the same tone. She further stated when you discuss being professional in our daily lives, you cannot be professional in front of everyone and then not be professional behind the scenes. Your reputation is built daily, and every day everything you do, can make it better or worse. She further stated if you put on a great front for the video, everyone else can see how unprofessional people can be behind the scenes. She further stated, in her opinion, there were no accusatory tones in the letters.

Councilmember Ryzyi stated the original letter from the City Attorney stated we received an email from Attorney Wilhelm which stated Councilmember Kivell's failure to disclose his employment relationship with a bidder for contracts for the City and voting on contracts was improper and contrary to the City's code of ethics. He further stated we are talking about \$42,000, which is not a small amount of money. He further stated the large portion of the bid is the labor. He further stated he has mentioned the issue of bias by the City Attorney, and he asked if Phil Wiepert has turned in the proper insurance yet. City Manager Ladner stated not as of yet. He further stated he could spend thirty minutes on how the City Attorney berated him for not having the proper insurance for the Mat Cats event. He further stated it may be because he didn't vote for his 61% raise. Councilmember Kramer stated this topic is about Councilmember Kivell not the City Attorney. Councilmember Wedell stated this is off topic.

Councilmember Ryzyi stated this is about the unfair treatment by our City Attorney and Councilmember Kramer voted for that raise as well. Councilmember Kramer stated this is about what Councilmember Ryzyi wants to talk about and Councilmember Kurtzweil stated Councilmember Kramer should calm down and that he hasn't been well in months. Councilmember Ryzyi stated when he brings up the 61% raise, he is brushed off saying the numbers are fake. He voted against it and Councilmember Kramer voted for it. Mayor Galeas gaveled repeatedly and called for adjournment.

ADJOURNMENT

Mayor Galeas adjourned the meeting before the Agenda was completed at 10:47 p.m.

VOTE: MOTION CARRIED

Respectfully submitted,

\_\_\_\_\_  
Mayor John Galeas

\_\_\_\_\_  
Lisa Deaton Clerk/Treasurer

DRAFT

November 2016 Payroll Report								
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>Administration</b>								
Badarak, A.	18.7700	160.00	4.00	\$ 3,003.20	\$ 115.56	\$ 482.49	\$ 3,601.25	Ins. Stipend
Blaha, M.	14.5000	97.50		\$ 1,413.75	\$ -		\$ 1,413.75	
Ciarelli, J.	16.3700	91.00		\$ 1,489.67	\$ -		\$ 1,489.67	
Deaton, L.				\$ 4,863.46			\$ 4,863.46	
Donhue, R.				\$ 5,076.92			\$ 5,076.92	
Gotham, D.	16.7500	10.00		\$ 167.50	\$ -		\$ 167.50	
Ladner, L.				\$ 6,774.43			\$ 6,774.43	
Lanning, W.	10.7300	32.25		\$ 346.04			\$ 346.04	
Mosier, L.				\$ 4,411.93		\$ 482.49	\$ 4,894.42	Ins. Stipend
Judy Pieper	17.2800	160.00	16.00	\$ 2,764.80	\$ 414.72		\$ 3,179.52	
<b>TOTAL: Administration</b>		<b>550.75</b>	<b>20.00</b>	<b>\$ 30,311.70</b>	<b>\$ 530.28</b>	<b>\$ 964.98</b>	<b>\$ 31,806.96</b>	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>Cemetery</b>								
Bjerke, Michael	11.7200	84.00		\$ 984.48			\$ 984.48	
Brannun, L.	11.7200	82.00		\$ 961.04			\$ 961.04	
Nicholls, William	11.7200			\$ -			\$ -	
Wauford, S.	11.7200	80.00		\$ 937.60			\$ 937.60	
Wedesky, J. W.	11.7200	30.00		\$ 351.60			\$ 351.60	
Williamson, N.	12.4600	83.00		\$ 1,034.18			\$ 1,034.18	
<b>TOTAL: Cemetery</b>		<b>359.00</b>	<b>0.00</b>	<b>4268.90</b>	<b>0.00</b>	<b>0.00</b>	<b>4268.90</b>	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>Police</b>								
Baaki, D.	35.4018	164.00	8.00	\$ 5,805.90	\$ 434.05		\$ 6,239.95	
Baker, A.	32.6213	160.00		\$ 5,219.41	\$ -		\$ 5,219.41	
Baker, J.	35.4018	160.00	5.00	\$ 5,664.29	\$ 270.20		\$ 5,934.49	
Barbour, R.	32.6213	160.00	8.50	\$ 5,219.41	\$ 423.89		\$ 5,643.30	
Brooks, T.	32.6213	168.00	9.50	\$ 5,480.38	\$ 475.82		\$ 5,956.19	
Collins, L.				\$ 7,198.52		\$ 482.49	\$ 7,681.01	Ins. Stipend
Faught, C.	35.4018	160.00	7.00	\$ 5,664.29	\$ 378.28		\$ 6,042.57	
Garris, G.	17.0300	1.00		\$ 17.03			\$ 17.03	
Hoydic, S.	32.6213	160.00	8.00	\$ 5,219.41	\$ 400.69		\$ 5,620.10	
Krettlin, F.	17.0300	20.00		\$ 340.60			\$ 340.60	
LaChance, J.	10.0000	57.00		\$ 570.00			\$ 570.00	
Lambi, A.	11.3000	96.00		\$ 1,084.80			\$ 1,084.80	
Laraway, P.	17.0300	20.00		\$ 340.60			\$ 340.60	
Ley, K.	17.0300	20.00		\$ 340.60			\$ 340.60	
Raap, T.	32.6213	160.00		\$ 5,219.41	\$ -		\$ 5,219.41	
Regentik, C.	18.7700	160.00		\$ 3,003.20	\$ -	\$ 482.49	\$ 3,485.69	Ins. Stipend
Sederlund, C.	35.4018	160.00		\$ 5,664.29	\$ -	\$ 482.49	\$ 6,146.78	Ins. Stipend
Sovik, C.	37.7086	168.00	10.00	\$ 6,335.04	\$ 577.17	\$ 3,108.34	\$ 10,020.55	Longevity & Vac Payout
Stroufe, T.	32.6213	160.00		\$ 5,219.41	\$ -	\$ 482.49	\$ 5,701.90	Ins. Stipend
Stevens, T.	32.6213	160.00		\$ 5,219.41	\$ -		\$ 5,219.41	
Tomanek, J.	32.6213	160.00		\$ 5,219.41	\$ -		\$ 5,219.41	
Walton, T.	32.6213	160.00	4.00	\$ 5,219.41	\$ 199.48		\$ 5,418.89	
Wilcox, W.	12.1400	22.00		\$ 267.08	\$ -		\$ 267.08	
Wilcox, W.	17.0300	18.00		\$ 306.54	\$ -		\$ 306.54	
Wittrock, M.	32.6213	160.00		\$ 5,219.41	\$ -		\$ 5,219.41	
<b>Total: Police</b>		<b>2834.00</b>	<b>60.00</b>	<b>\$ 95,057.82</b>	<b>\$ 3,159.58</b>	<b>\$ 5,038.30</b>	<b>\$ 103,255.70</b>	

Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>Fire</b>								
Armstrong, C.	21.7400	15.50		\$ 336.97			\$ 336.97	
Bach, R.	14.8800	34.25		\$ 509.64			\$ 509.64	
Carlington, L.	17.1700	32.50		\$ 558.03			\$ 558.03	
Carlington, R.	17.1700	10.00		\$ 171.70			\$ 171.70	
Conrad, C.	16.0200	113.25		\$ 1,814.27			\$ 1,814.27	
Demeniuk, C.	20.6000	29.00		\$ 597.40			\$ 597.40	
Dobrick, Zach	8.6700	26.00		\$ 225.42			\$ 225.42	
Good, Alexander	14.8800	70.25		\$ 1,045.32			\$ 1,045.32	
Kennedy, M.				\$ 2,773.08			\$ 2,773.08	
Laitinen, Daniel	8.6700	20.50		\$ 177.74			\$ 177.74	
McGillen, T.	17.1700	26.00		\$ 446.42			\$ 446.42	
Moyrihan, B.	20.6000	71.50		\$ 1,472.90			\$ 1,472.90	
Noechel, J.	20.6000	70.00		\$ 1,442.00			\$ 1,442.00	
Olando, Michael	16.0200	117.00		\$ 1,874.34			\$ 1,874.34	
Pierson, Lee	14.8800	16.00		\$ 184.88			\$ 184.88	
Salna, E.	8.6700	21.75		\$ 188.57			\$ 188.57	
Sherrill, Cody	14.8800	48.25		\$ 688.20			\$ 688.20	
Shippe, S.	17.1700	58.25		\$ 1,000.15			\$ 1,000.15	
Sparks, Natasha	8.6700	13.75		\$ 119.21			\$ 119.21	
Tooman, Brittany	9.6900	78.75		\$ 763.09			\$ 763.09	
Ulrich, C.	17.1700	12.50		\$ 214.63			\$ 214.63	
Weir, M.	22.8900	66.50		\$ 1,522.19			\$ 1,522.19	
Wilson, T.	20.6000	46.50		\$ 957.90			\$ 957.90	
<b>Total: Fire</b>		<b>996.00</b>		<b>\$ 19,084.03</b>		<b>\$ -</b>	<b>\$ 19,084.03</b>	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>D.P.W.</b>								
Abramowicz, J.	18.2600	160.00	6	\$ 2,921.60	\$ 164.34	\$ 80.00	\$ 3,165.94	On-call
Archey, Je.	23.1000	160.00	16.00	\$ 3,696.00	\$ 562.40		\$ 4,258.40	
Brock, R.	25.0300	160.00	12.00	\$ 4,004.80	\$ 461.76	\$ 280.00	\$ 4,746.56	On-call
Buers, D.	23.2800	160.00		\$ 3,724.80	\$ -		\$ 3,724.80	
Dental, F.	20.2600	160.00	12.50	\$ 3,241.60	\$ 379.88	\$ 200.00	\$ 3,821.48	On-call
Jamison, M.	18.7700	160.00		\$ 3,003.20	\$ -		\$ 3,003.20	
Moritz, M.	21.9000	160.00		\$ 3,504.00	\$ -	\$ 2,752.00	\$ 6,256.00	Longevity & Vac Payout
Paver, V.	21.5000	160.00		\$ 3,440.00	\$ -	\$ 700.00	\$ 4,140.00	Longevity
Piasecki, T.	21.5000	160.00	8.00	\$ 3,440.00	\$ 262.00		\$ 3,702.00	
Race, J.	17.4900	160.00	13.50	\$ 2,798.40	\$ 354.17	\$ 280.00	\$ 3,432.57	On-call
Valencia, A.	17.0900	160.00	18.50	\$ 2,734.40	\$ 474.25	\$ 280.00	\$ 3,488.65	On-call
<b>Total: D.P.W.</b>		<b>1,760.00</b>	<b>86.50</b>	<b>\$ 36,508.80</b>	<b>\$ 2,658.80</b>	<b>\$ 4,572.00</b>	<b>\$ 43,739.60</b>	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>W. &amp; W.W.</b>								
Archey, Ju.	18.7700	160		\$ 3,003.20	\$ -		\$ 3,003.20	
Armstrong, C.	18.1900	160		\$ 2,910.40	\$ -	\$ 280.00	\$ 3,190.40	On-call
Beason, R.	27.1500	160		\$ 4,504.00	\$ -	\$ 400.00	\$ 4,904.00	On-call
Blankstrom, D.	16.2200	160		\$ 2,595.20	\$ -	\$ 160.00	\$ 2,755.20	On-call
Ciaramitaro, J.	25.5600	160		\$ 4,089.60	\$ -		\$ 4,089.60	
Erdmann, Kevin	18.1900	160	13.50	\$ 2,910.40	\$ 368.35	\$ 300.00	\$ 3,578.75	On-call
Gehring, D.	24.9600	160	3.00	\$ 3,993.60	\$ 113.82	\$ 60.00	\$ 4,167.42	On-call
Martin, R.				\$ 6,728.24	\$ -		\$ 6,728.24	
Popravsky, P.	20.8200	160	4.00	\$ 3,331.20	\$ 129.56		\$ 3,460.76	
Sahl, L.	10.5100	32		\$ 336.32	\$ -		\$ 336.32	
<b>Total: W. &amp; W.W.</b>		<b>1312.00</b>	<b>20.50</b>	<b>\$ 34,402.16</b>	<b>\$ 611.73</b>	<b>\$ 1,200.00</b>	<b>\$ 36,213.89</b>	
<b>Grand Total</b>		<b>7,811.75</b>	<b>187.00</b>	<b>\$ 219,633.42</b>	<b>\$ 6,960.38</b>	<b>\$ 11,775.28</b>	<b>\$ 238,369.08</b>	



FINANCIAL REPORT FOR NOVEMBER 2016

2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17		2016-17			
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Fund 101 - GENERAL FUND:  
TOTAL REVENUES

5,067,597.00 5,106,280.00 4,002,401.22 232,407.99 1,103,878.78 78.38

PERIOD ENDING 11/30/2016

FINANCIAL REPORT FOR NOVEMBER 2016

GL NUMBER	DESCRIPTION	2016-17		2016-17		YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDT
		ORIGINAL	BUDGET	AMENDED BUDGET	NORM	11/30/2016	NORM (ABNORM)	MONTH 11/30/16	INCR (DECR)	BALANCE	NORM (ABNORM)	
Fund 101 - GENERAL FUND												
200.000-ADMINISTRATION		1,272,460.00		1,290,460.00		606,607.93		95,142.30		683,852.07		47.01
276.000-CEMETERY		101,325.00		101,325.00		57,988.84		14,452.68		43,336.16		57.23
295.000-SENIOR TRANSPORTATION		73,920.00		73,920.00		18,480.00		6,160.00		55,440.00		25.00
300.000-POLICE		2,542,278.00		2,542,278.00		1,085,399.36		241,183.19		1,456,878.64		42.69
335.000-FIRE		464,750.00		464,750.00		207,290.76		38,659.77		257,459.24		44.60
346.000-AMBULANCE		2,075.00		2,075.00		182.35		0.00		1,892.65		8.79
440.000-DEPT. OF PUBLIC WORKS		877,203.00		877,203.00		342,525.30		110,578.46		534,677.70		39.05
690.000-PARKS AND RECREATION		140,775.00		140,775.00		66,998.15		5,289.06		73,776.85		47.59
732.000-HISTORICAL DEPOT		30,175.00		30,175.00		12,649.95		556.19		17,525.05		41.92
800.000-CABLE COMMISSION		2,225.00		2,225.00		0.00		0.00		2,225.00		0.00
802.000-CULTURAL ARTS		4,675.00		4,675.00		1,347.62		140.00		3,327.38		28.83
TOTAL EXPENDITURES		5,511,861.00		5,529,861.00		2,399,470.26		512,161.65		3,130,390.74		43.39

Fund 101 - GENERAL FUND:  
 TOTAL EXPENDITURES

5,511,861.00	5,529,861.00	2,399,470.26	512,161.65	3,130,390.74	43.39
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PERIOD ENDING 11/30/2016

FINANCIAL REPORT FOR NOVEMBER 2016

GL NUMBER	DESCRIPTION	2016-17		YTD BALANCE 11/30/2016 NORM (ABNORM)	ACTIVITY FOR MONTH 11/30/16 INCR (DECR)		AVAILABLE BALANCE NORM (ABNORM)		% BDGT USED
		ORIGINAL BUDGET	2016-17 AMENDED BUDGET						
Fund 202 - MAJOR STREETS									
212.000-ACCOUNTANT		4,080.00	4,080.00	4,130.00	650.00		(50.00)		101.23
451.000		41,000.00	41,000.00	20,720.75	239.66		20,279.25		50.54
463.000-STREET-ROUTINE MAINT.		151,710.00	151,710.00	64,528.29	18,409.10		87,181.71		42.53
474.000-TRAFFIC SERVICES		14,525.00	14,525.00	5,383.65	774.56		9,141.35		37.06
478.000-SNOW PLOWING		87,500.00	87,500.00	3,659.91	0.00		83,840.09		4.18
479.000-SNOW REMOVAL		3,700.00	3,700.00	177.16	0.00		3,522.84		4.79
485.000-TRANSFER BETWEEN FUNDS		146,113.00	146,113.00	0.00	0.00		146,113.00		0.00
491.000-STORM SEWER		9,805.00	9,805.00	3,038.39	421.18		6,766.61		30.99
TOTAL EXPENDITURES		458,433.00	458,433.00	101,638.15	20,494.50		356,794.85		22.17
Fund 202 - MAJOR STREETS:									
TOTAL EXPENDITURES		458,433.00	458,433.00	101,638.15	20,494.50		356,794.85		22.17
Fund 203 - LOCAL STREETS									
212.000-ACCOUNTANT		4,100.00	4,100.00	4,130.00	650.00		(30.00)		100.73
463.000-STREET-ROUTINE MAINT.		145,145.00	145,145.00	51,420.44	14,166.77		93,724.56		35.43
474.000-TRAFFIC SERVICES		6,250.00	6,250.00	4,691.32	809.50		1,558.68		75.06
478.000-SNOW PLOWING		71,900.00	71,900.00	2,032.50	0.00		69,867.50		2.83
491.000-STORM SEWER		15,625.00	15,625.00	3,087.23	450.55		12,537.77		19.76
TOTAL EXPENDITURES		243,020.00	243,020.00	65,361.49	16,076.82		177,658.51		26.90
Fund 203 - LOCAL STREETS:									
TOTAL EXPENDITURES		243,020.00	243,020.00	65,361.49	16,076.82		177,658.51		26.90

PERIOD ENDING 11/30/2016

FINANCIAL REPORT FOR NOVEMBER 2016

GL NUMBER	DESCRIPTION	2016-17		YTD BALANCE 11/30/2016 NORM (ABNORM)	ACTIVITY FOR MONTH 11/30/16 INCR (DECR)	AVAILABLE BALANCE NORM (ABNORM)		% BDT USED
		ORIGINAL BUDGET	2016-17 AMENDED BUDGET					
Fund 592 - WATER & SEWER								
452.000		0.00	310,000.00	271,243.66	4,702.54	38,756.34	87.50	
540.000-WATER / REPAIR		144,831.00	144,831.00	32,707.71	4,727.03	112,123.29	22.58	
550.000-SEWER / REPAIR		146,850.00	146,850.00	31,954.12	4,782.83	114,895.88	21.76	
555.000-REFUSE COLLECTION		504,000.00	504,000.00	209,533.14	41,973.84	294,466.86	41.57	
556.000-WATER		967,897.00	967,897.00	301,579.65	69,304.02	666,317.35	31.16	
557.000-WASTEWATER		1,883,340.00	1,573,340.00	423,867.12	93,913.04	1,149,472.88	26.94	
TOTAL EXPENDITURES		3,646,918.00	3,646,918.00	1,270,885.40	219,403.30	2,376,032.60	34.85	
Fund 592 - WATER & SEWER:								
TOTAL EXPENDITURES		3,646,918.00	3,646,918.00	1,270,885.40	219,403.30	2,376,032.60	34.85	

12/08/2016 09:32 AM

User: Joan

DB: South Lyon

CHECK REGISTER FOR CITY OF SOUTH LYON  
CHECK DATE FROM 11/17/2016 - 12/08/2016

Page: 1/5

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
Bank 01 GEN FUND CHECKING							
11/17/2016	01	70491	MISC	LEADING EDGE TITLE AGENCY LLC	REFUND TAX OVERPAYMENT - 976 RIDGEFI	282.07	Cleared
11/17/2016	01	70492	5310	ARBOR SPRINGS WATER CO., INC.	WATER FOR CITY HALL	19.50	Cleared
11/17/2016	01	70493	4068	AT&T	CEMETERY PHONE ACCESS	30.04	Cleared
11/17/2016	01	70494	2431	AT&T*	CEMETERY PHONE	63.22	Cleared
11/17/2016	01	70495	3935	CIB PLANNING	PLAN REVIEWS & CONSULTANT FEES	6,605.75	Open
11/17/2016	01	70496	3442	CMC TELECOM, INC.	PHONE SERVICE	71.97	Cleared
11/17/2016	01	70497	0283	CORRIGAN OIL CO.	GAS & DIESEL - OCT 2016	4,568.35	Cleared
11/17/2016	01	70498	9432	COSTCO	BLDG SUPPLIES	54.67	Cleared
11/17/2016	01	70499	4084	BOB DONOHUE	ICSC W/S REG FEE, PARKING & MILEAGE	77.21	Open
11/17/2016	01	70500	11134	ELECTION SYSTEMS	THERMAL PAPER ROLLS	37.08	Cleared
11/17/2016	01	70501	6061	MATTHEW EMERY	VIDEO COUNCIL MEETING - 11/14/16	75.00	Cleared
11/17/2016	01	70502	6121	HEINANEN ENGINEERING	REPLACE HEAT EXCHANGER IN RTU	2,983.81	Cleared
11/17/2016	01	70503	2415	HURON VALLEY AMBULANCE. INC	(2) BLOOD DRAWS	100.00	Cleared
11/17/2016	01	70504	3768	L-3 COMMUNICATIONS	EXTENDED MAINT AGREEMENT-MOBILE VIDE	420.00	Cleared
11/17/2016	01	70505	0662	MICHIGAN STATE FIREMEN'S ASSOC	2017 MEMBERSHIP	75.00	Cleared
11/17/2016	01	70506	5767	MUNICODE	ORDINANCE PRINTING	3,483.36	Cleared
11/17/2016	01	70507	1034	OAKLAND COUNTY TREASURER	SOUTH LYON WOODS TAX - OCT 2016	482.50	Cleared
11/17/2016	01	70508	3004	OBSERVER & ECCENTRIC NEWSPAPER	LEGAL & HELP WANTED ADS	4,908.18	Cleared
11/17/2016	01	70509	3228	OFFICE EXPRESS	TONER	90.99	Cleared
11/17/2016	01	70510	0218	PARKSIDE CLEANERS	RUG CLEANING	43.00	Cleared
11/17/2016	01	70511	5364	PEOPLE'S EXPRESS	SENIOR TRANSPORTATION - OCT 2016	6,160.00	Cleared
11/17/2016	01	70512	1555	PITNEY BOWES	REFILL POSTAGE METER	1,239.00	Cleared
11/17/2016	01	70513	2562	POSTMASTER	POSTAGE FOR MAILING	241.12	Open
11/17/2016	01	70514	0042	PRINTING SYSTEMS	STICKERS, ENVELOPES, SIGNS	72.12	Cleared
11/17/2016	01	70515	11102	PRO PIZZA	ELECTION FOOD (ADDITION)	8.75	Open
11/17/2016	01	70516	3812	PULLUM WINDOW CORP	SLARA BLDG WINDOWS	18,000.92	Cleared
11/17/2016	01	70517	2419	QUICKSILVER MARKETING SOLUTION	DDA PROMOTIONAL SIGNS-TAILGATE SATUR	487.42	Cleared
11/17/2016	01	70518	4095	RIZZO SERVICES	SERVICES - NOVEMBER 2016	41,973.84	Cleared
					DUMPSTERS & RECYCLING - NOVEMBER 201	433.62	Cleared
						42,407.46	
11/17/2016	01	70519	0213	ROAD COMMISSION FOR OAKLAND	PAVEMENT MARKINGS & STRIPING	3,987.46	Cleared
11/17/2016	01	70520	5893	SAFERBUILT MICHIGAN, INC.	OCTOBER PERMITS	12,068.00	Cleared
11/17/2016	01	70521	2362	STATE OF MICHIGAN, ,	RENEW WASTEWATER LICENSE - BEASON	95.00	Open
11/17/2016	01	70522	3596	THE UPS STORE	24 X 36 COPIES	10.50	Cleared
11/17/2016	01	70523	3633	TOSHIBA BUSINESS SOLUTIONS	COPY CHARGE	68.16	Cleared
11/17/2016	01	70524	6033	VISICOM SERVICES, INC.	BACKUP, FILTERING & ARCHIVING - NOV	696.50	Cleared
11/17/2016	01	70525	5731	WINDSTREAM	PHONE SERVICE	1,984.24	Cleared
11/17/2016	01	70526	3984	WOW! BUSINESS	INTERNET SERVICE	46.97	Cleared
					CABLE SERVICE	117.57	Cleared
						164.54	
11/23/2016	01	70527	MISC	JUDE & EMILY REDMAN	REFUND TAX OVERPAYMENT 21.20.363.004	676.11	Open
11/23/2016	01	70528	MISC	BRANDON MILLS	REFUND TAX OVERPAYMENT - 21.30.251.0	1,745.28	Open
11/23/2016	01	70529	MISC	JOSEPH KINVILLE	REFUND TAX OVERPAYMENT - 21.20.403.0	1,315.32	Cleared
11/23/2016	01	70530	3749	KRISTEN S. CARROLL	PAYROLL DEDUCTION - 11/23/16	578.26	Open
11/23/2016	01	70531	5969	CE SOLUTIONS	2 YR UNLIMITED CEU PROGRAM - 16 ACCO	1,360.00	Open
11/23/2016	01	70532	5403	KRISTEN DELANEY	PLANNING COMM MEETING MINUTES - 11/1	100.00	Cleared
11/23/2016	01	70533	5926	FRED DENTAI	REIMB CDL LICENSE RENEWAL FEE	65.00	Cleared

12/08/2016 09:32 AM

User: Joan

DB: South Lyon

CHECK REGISTER FOR CITY OF SOUTH LYON  
CHECK DATE FROM 11/17/2016 - 12/08/2016

Page: 2/5

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
11/23/2016	01	70534	0317	DTE ENERGY	STREETLIGHTS	9,287.03	Cleared
11/23/2016	01	70535	0584	DTE ENERGY	ELECTRIC SERVICE 9/16-11/15/16	31.08	Cleared
11/23/2016	01	70536	3455	EMPLOYEE HEALTH INSURANCE MGMT	RX CHARGE	27.00	Cleared
					RX CHARGES	4,276.55	Cleared
						4,303.55	
11/23/2016	01	70537	6121	HEINANEN ENGINEERING	PACKAGED ROOFTOP UNIT MAINTENANCE	811.77	Cleared
11/23/2016	01	70538	2545	SEAN S. HOYDIE	REIMB LIGHT MOUNT & REMOTE SWITCH	127.96	Cleared
11/23/2016	01	70539	0357	INTL UNION OF OPERATING ENG	PAYROLL DEDUCTIONS - NOV 2016	316.86	Cleared
11/23/2016	01	70540	6636	LYNNE LADNER	NOVEMBER 2016 CAR ALLOWANCE	350.00	Open
11/23/2016	01	70541	5800	NORMA LAFEVER	CEDAR ROPING FOR LIGHT POLES	2,062.00	Cleared
11/23/2016	01	70542	1509	MARTIN'S DO IT BEST	BLDG SUPPLIES	114.44	Cleared
11/23/2016	01	70543	3320	METLIFE - GROUP BENEFITS	DENTAL INSURANCE	4,903.91	Cleared
11/23/2016	01	70544	3472	MICHIGAN DOWNTOWN ASSOCIATION	CONFERENCE REGISTRATION - B DONOHUE	155.00	Open
11/23/2016	01	70545	0470	MISDU	PAYROLL DEDUCTION - 11/23/16	322.07	Cleared
11/23/2016	01	70546	2646	OAKLAND COUNTY ASSOC CHIEFS OF PO	2017 DUES	60.00	Open
11/23/2016	01	70547	8896	MARK G. POPRAVSKY	WINTERIZE SPRINKLERS-DEPOT & CHURCH	90.00	Cleared
11/23/2016	01	70548	9065	PROVIDENCE OCCUPATIONAL	NEW HIRE PHYSICAL	121.00	Open
					D.O.T. PHYSICAL	62.00	Open
						183.00	
11/23/2016	01	70549	3804	RICOH USA, INC.	COPIER MAINTENANCE	275.40	Cleared
11/23/2016	01	70550	5554	SALEM-SOUTH LYON DISTRICT	TAXES DUE TO LIBRARY	352.53	Open
11/23/2016	01	70551	9062	SCHOOLCRAFT COLLEGE	FIRE OFFICER COURSE - OLANDO	95.00	Cleared
11/23/2016	01	70552	0461	SOUTH LYON COMMUNITY SCHOOLS	TAXES DUE TO SCHOOLS	3,374.35	Cleared
11/23/2016	01	70553	0062	VANTAGEPOINT TRANSFERS	PLAN 301149, PAYROLL DEDUCTIONS 11/2	3,747.78	Cleared
11/23/2016	01	70554	5925	W.H. GRIFFIN, TRUSTEE	PAYROLL DEDUCTION - 11/23/16	253.85	Cleared
11/23/2016	01	70555	3854	SUSAN L. WINTERS	PAYROLL DEDUCTION - 11/23/16	107.80	Cleared
11/23/2016	01	70556	3984	WOW! BUSINESS	INTERNET & CABLE SERVICE	126.22	Cleared
11/28/2016	01	70557	3602	BLUE CROSS BLUE SHIELD OF MICH	DECEMBER 2016 HEALTH INS PREMIUMS	40,505.88	Open
12/01/2016	01	70558	5297	ADVANCED MARKETING PARTNERS,	PRINT WINTER TAX BILLS	644.63	Open
12/01/2016	01	70559	4234	AVAYA*, INC.	DPW PHONE SYSTEM	18.15	Open
12/01/2016	01	70560	3727	COACTIVE SYSTEMS COMPANY	ANNUAL SECURITY SERVICE MONITORING F	180.00	Open
12/01/2016	01	70561	5312	AUDREY COLLARD	ELECTION WORK AT COUNTY - 4 HOURS	40.00	Open
12/01/2016	01	70562	3165	CONSUMERS ENERGY^	GAS SERVICE	87.37	Open
					GAS SERVICE	98.78	Open
					GAS SERVICE	80.14	Open
					GAS SERVICE	113.42	Open
					GAS SERVICE 10/18-11/17/16	260.94	Open
					GAS SERVICE 10/18-11/17/16	3,191.66	Open
					GAS SERVICE	78.13	Open
					GAS SERVICE	47.79	Open
					GAS SERVICE	36.95	Open
						3,995.18	
12/01/2016	01	70563	1334	LISA DEATON	REIMBURSE PETTY CASH	49.46	Open
12/01/2016	01	70564	6115	MARY DEDAKIS	COUNCIL PAY - NOVEMBER 2016	180.00	Open
12/01/2016	01	70565	0584	DTE ENERGY	ELECTRIC SERVICE	448.41	Open
					ELECTRIC SERVICE	178.47	Open

12/08/2016 09:32 AM

User: Joan

DB: South Lyon

CHECK REGISTER FOR CITY OF SOUTH LYON  
CHECK DATE FROM 11/17/2016 - 12/08/2016

Page: 3/5

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
12/01/2016	01	70566	0584	DTE ENERGY	ELECTRIC SERVICE 10/20-11/18/16	354.71	Open
12/01/2016	01	70567	6061	MATTHEW EMERY	ELECTRIC SERVICE 10/20-11/18/16	1,028.21	Open
12/01/2016	01	70568	2892	ESRI	ELECTRIC SERVICE 10/20-11/18/16	40.28	Open
12/01/2016	01	70569	6113	JOHN GALEAS, JR	ELECTRIC SERVICE	54.45	Open
12/01/2016	01	70570	0135	JOHN'S SANITATION	ELECTRIC SERVICE	80.27	Open
						<u>2,184.80</u>	
12/01/2016	01	70571	3955	JOHNSON, ROSATI, SCHULTZ &	ELECTRIC SERVICE	1,508.40	Open
					VIDEO COUNCIL MEETING - 11/28/16	75.00	Open
					ARCGLS MAINTENANCE	1,000.00	Open
					COUNCIL PAY - NOVEMBER 2016	220.00	Open
					PORTABLE TOILETS FOR COOL YULE	100.00	Open
12/01/2016	01	70571	3955	JOHNSON, ROSATI, SCHULTZ &	MI TAX TRIBUNAL MATTERS	39.00	Open
					GENERAL LABOR MATTERS	464.00	Open
					CITY ATTORNEY RETAINER WORK	16,551.40	Open
						<u>17,054.40</u>	
12/01/2016	01	70572	2586	GLENN KIVELL	COUNCIL PAY - NOVEMBER 2016	180.00	Open
12/01/2016	01	70573	3398	MICHAEL KRAMER	COUNCIL PAY - NOVEMBER 2016	180.00	Open
12/01/2016	01	70574	6114	MARGARET KURTZWELL	COUNCIL PAY - NOVEMBER 2016	180.00	Open
12/01/2016	01	70575	6636	LYNNE LADNER	PARTY INVITATION PRINTING	52.98	Open
12/01/2016	01	70576	4112	MICHIGAN INFORMATION & RESEARCH S	2017 LEGISLATIVE DIRECTORY	14.50	Open
12/01/2016	01	70577	5364	PEOPLE'S EXPRESS	SR TRANSPORTATION - AUG 2016	6,160.00	Open
12/01/2016	01	70578	0044	FITNEY BOWES INC	EQUIPMENT SERVICE AGREEMENT	1,750.20	Open
12/01/2016	01	70579	1199	PNC BANK	ELECTION FOOD, INC DEV ALL CLASS (DO	623.19	Open
12/01/2016	01	70580	2562	POSTMASTER	RENEW PRESORT PERMIT	215.00	Open
12/01/2016	01	70581	4076	PRINCIPAL FINANCIAL GROUP	VISION INSURANCE PREMIUMS	725.06	Open
12/01/2016	01	70582	0042	PRINTING SYSTEMS	PRINT A/P CHECKS	311.97	Open
12/01/2016	01	70583	6102	ROBERT RATCLIFFE	ELECTION WORK AT COUNTY - 4 HOURS	40.00	Open
12/01/2016	01	70584	0213	ROAD COMMISSION FOR OAKLAND	TRAFFIC SIGNAL MAINT - OCT 2016	306.75	Open
12/01/2016	01	70585	3756	JOSEPH RYZYI	COUNCIL PAY - NOVEMBER 2016	180.00	Open
12/01/2016	01	70586	0055	SAM'S CLUB DIRECT	OFFICE/BLDG SUPPLIES	763.38	Open
12/01/2016	01	70587	1732	STANDARD INSURANCE COMPANY	DISABILITY & LIFE INSURANCE PREMIUMS	2,517.60	Open
12/01/2016	01	70588	6049	STATE OF MI MDEQ	RENEW ROBERT MARTIN'S WATER LICENSE	95.00	Open
12/01/2016	01	70589	2362	STATE OF MICHIGAN,	RENEW ROBERT MARTIN'S WASTEWATER LIC	95.00	Open
12/01/2016	01	70590	1465	TERMINIX PROCESSING CENTER	PEST CONTROL - 318 W LAKE	60.00	Open
12/01/2016	01	70591	3675	TOSHIBA FINANCIAL SERVICES	COPIER LEASES	1,504.15	Open
12/01/2016	01	70592	6033	VISICOM SERVICES, INC.	(2) DELL MINI TOWERS & (1) MONITOR	2,463.89	Open
12/01/2016	01	70593	1378	HARVEY WEDELL	COUNCIL PAY - NOVEMBER 2016	180.00	Open
12/01/2016	01	70594	3933	WONDER JUMP, INC.	CHAIRS&TABLES, CARNIVAL GAMES FOR CO	225.00	Open
12/01/2016	01	70595	3984	WOW! BUSINESS	CABLE BOX	10.00	Open
					FIBER OPTIC NETWORK	710.00	Open
					INTERNET SERVICE	35.97	Open
						<u>755.97</u>	
12/08/2016	01	70596	MISC	LIBERTY TITLE AGENCY	REFUND WINTER TAX OVERPAYMENT	10.13	Open
12/08/2016	01	70597	MISC	TIMIDS INC	WINTER TAX OVERPAYMENT REFUND	16.56	Open
12/08/2016	01	70598	MISC	PARTNERS TITLE AGENCY	REFUND WINTER TAX OVERPAYMENT	21.81	Open
12/08/2016	01	70599	MISC	ALISON WIECK	SUMMER TAX OVERPAYMENT REFUND	1,745.28	Open
12/08/2016	01	70600	0561	A.F.S.C.M.E. COUNCIL 25	PAYROLL DEDUCTIONS - 12/9/16	624.80	Open
12/08/2016	01	70601	8966	ARBOR DAY FOUNDATION	TREE CITY USA MEMBERSHIP RENEWAL	15.00	Open

CHECK REGISTER FOR CITY OF SOUTH LYON  
 CHECK DATE FROM 11/17/2016 - 12/08/2016

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
12/08/2016	01	70602	5310	ARBOR SPRINGS WATER CO., INC.	WATER FOR CITY HALL	13.00	Open
12/08/2016	01	70603	5374	AT&T MOBILITY	CELL PHONE SERVICE	425.45	Open
12/08/2016	01	70604	0364	DOUGLAS BAAKI	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70605	0708	AUDRA BAKER	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70606	1110	JARED BAKER	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70607	3219	RONALD BARBOUR	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70608	0465	TRACY BROOKS	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70609	5264	BUSCH'S	SUPPLIES	104.02	Open
12/08/2016	01	70610	3749	KRISPEN S. CARROLL	PAYROLL DEDUCTION - 12/9/16	578.26	Open
12/08/2016	01	70611	0059	CITY OF NOVI TREASURER	DISPATCH SERVICE	29,069.00	Open
12/08/2016	01	70612	0058	CITY OF SOUTH LYON	SUMMER TAX - 464 S LAFAYETTE	4,006.96	Open
					WINTER TAX BILLS (7) PROPERTIES	143.10	Open
						4,150.06	
12/08/2016	01	70613	0859	LLOYD COLLINS	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70614	9432	COSTCO	CULT ARTS, ELECTION & BLDG SUPPLIES	212.85	Open
12/08/2016	01	70615	4084	BOB DONOHUE	MILEAGE - NOVEMBER 2016	103.68	Open
12/08/2016	01	70616	0584	DTE ENERGY	ELECTRIC SERVICE 10/28-11/29/16	999.55	Open
					ELECTRIC SERVICE 10/28-11/29/16	264.39	Open
						1,263.94	
12/08/2016	01	70617	4091	ELECTRICAL CODE SERVICES LLC	ELECTRICAL INSP PAY - NOV 2016	964.04	Open
12/08/2016	01	70618	3455	EMPLOYEE HEALTH INSURANCE MGMT	RX CHARGES	1,513.52	Open
					MEDICAL CLAIMS FUNDING & SET UP FEES	2,000.00	Open
						3,513.52	
12/08/2016	01	70619	1633	CHRISTOPHER FAUGHT	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70620	2545	SEAN S. HOYDIE	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70621	5184	IAFC MEMBERSHIP	2017 DUES	234.00	Open
12/08/2016	01	70622	1509	MARTIN'S DO IT BEST	45 GAL TRASH CAN	29.99	Open
					NOV 2016 STATEMENT	442.48	Open
					NOVEMBER 2016 STATEMENT	627.37	Open
						1,099.84	
12/08/2016	01	70623	0470	MISDU	PAYROLL DEDUCTION - 12/9/16	322.07	Open
12/08/2016	01	70624	5183	OAKLAND COUNTY TREASURERS	(1) MAP, (2) PARCEL ATLAS BOOKS	174.00	Open
12/08/2016	01	70625	0218	PARKSIDE CLEANERS	RUG CLEANING	43.00	Open
12/08/2016	01	70626	4114	THE PLAYGROUND	COOL YULE ACCOMMODATIONS	179.63	Open
12/08/2016	01	70627	5141	POLICE OFFICERS ASSOCIATION OF	PAYROLL DEDUCTIONS - 12/9/16	615.40	Open
12/08/2016	01	70628	0359	POLICE OFFICERS LABOR COUNCIL	PAYROLL DEDUCTIONS - 12/9/16	251.25	Open
12/08/2016	01	70629	9065	PROVIDENCE OCCUPATIONAL	NEW HIRE PHYSICAL - VLIET	428.00	Open
12/08/2016	01	70630	1634	TIMOTHY RAAP	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70631	5382	JOHN RACE	REIMBURSE FOR CDL DRIVER LICENSE REN	70.00	Open
12/08/2016	01	70632	5554	SALEM-SOUTH LYON DISTRICT	TAXES DUE TO LIBRARY	645.93	Open
12/08/2016	01	70633	3009	CHRINDLER ELEVATOR CORP.	ELEVATOR MAINTENANCE	416.28	Open
12/08/2016	01	70634	0236	CHRISTOPHER SEDERLUND	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70635	0461	SOUTH LYON COMMUNITY SCHOOLS	TAXES DUE TO SCHOOLS	3,891.81	Open
12/08/2016	01	70636	2405	CHRISTOPHER SOVIK	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70637	0831	TONY SROUFE	OFFICERS UNIFORM ALLOWANCE	375.00	Open



12/08/2016 09:32 AM  
 User: Joan  
 DB: South Lyon

CHECK REGISTER FOR CITY OF SOUTH LYON  
 CHECK DATE FROM 11/17/2016 - 12/08/2016

Page: 5/5

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount	Status
12/08/2016	01	70638	9800	TRAVIS STEVENS	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70639	4113	KATHY SWAN	REIMB COOL YULE SUPPLIES	112.78	Open
12/08/2016	01	70640	0768	JOHN TOMANEK	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70641	3675	TOSHIBA FINANCIAL SERVICES	COPIER LEASE	84.00	Open
12/08/2016	01	70642	5552	US BANK	BLDG AUTH BOND ADMIN FEE (3606)	175.00	Open
					BLDG AUTH BOND ADMIN FEE (4946)	150.00	Open
						325.00	
12/08/2016	01	70643	0062	VANTAGEPOINT TRANSFERS	PLAN 301149, PAYROLL DEDUCTIONS 12/9	3,709.46	Open
12/08/2016	01	70644	3246	Varsity Ford	2014 FORD ESCAPE	20,114.00	Open
12/08/2016	01	70645	5071	VFIS	2017 SUPPLEMENTAL INSURANCE	2,224.00	Open
12/08/2016	01	70646	5925	W.H. GRIFFIN, TRUSTEE	PAYROLL DEDUCTION - 12/9/16	253.85	Open
12/08/2016	01	70647	1211	TIMOTHY WALTON	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70648	5731	WINDSTREAM	PHONE SERVICE	2,021.02	Open
12/08/2016	01	70649	3854	SUSAN L. WINTERS	PAYROLL DEDUCTION - 12/9/16	145.12	Open
12/08/2016	01	70650	8996	MICHAEL WITTROCK	OFFICERS UNIFORM ALLOWANCE	375.00	Open
12/08/2016	01	70651	3984	WOW! BUSINESS	INTERNET SERVICE	32.97	Open

01 TOTALS:

Total of 161 Disbursements:

323,014.81

INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON  
 POST DATES 12/12/2016 - 12/12/2016  
 JOURNALIZED  
 OPEN

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000.000	ENGINEERING FEES	HUBBELL, ROTH, & CLARK,	SITE PLAN FEES	4,447.13	
101-000.000-035.000		Total For Dept 000.000		4,447.13	
Dept 200.000 ADMINISTRATION					
101-200.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	89.90	
101-200.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	280.20	
101-200.000-802.000	CONTRACTUAL SVCS	RIZZO SERVICES	DUMPSTERS & RECYCLING - DEC 2016	63.13	
101-200.000-974.100	RENTAL HOUSE	PLUMBERS SERVICE	CABLED SANITARY LINE - REC CENTER	216.00	
		Total For Dept 200.000 ADMINISTRATION		649.23	
Dept 276.000 CEMETERY					
101-276.000-740.000	OPERATING EXPENSE	SHARE CORP.	MECHANIC'S SUPPLIES	8.58	
101-276.000-802.000	CONTRACTUAL SVCS	RIZZO SERVICES	DUMPSTERS & RECYCLING - DEC 2016	76.27	
101-276.000-977.000	EQUIPMENT	CLARK EQUIPMENT CO	EXCAVATOR TRENCHING BUCKET	832.20	
		Total For Dept 276.000 CEMETERY		917.05	
Dept 300.000 POLICE					
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	OFFICE SUPPLIES	38.17	
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	HANGING FOLDERS	36.98	
101-300.000-802.000	CONTRACTUAL SVCS	RIZZO SERVICES	DUMPSTERS & RECYCLING - DEC 2016	38.13	
101-300.000-863.000	VEHICLE MAINTENANCE	HINES PARK FORD, INC.	O2 SENSORS - PD222	151.64	
101-300.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	MECHANIC'S SUPPLIES	15.44	
101-300.000-863.000	VEHICLE MAINTENANCE	SOUTH LYON AUTO MAINTENA	OIL CHANGE - 2008 IMPALA	28.79	
101-300.000-931.000	BUILDING MAINTENANCE	FERGUSON ENTERPRISES	VALVES FOR CELL BATHROOM	267.20	
		Total For Dept 300.000 POLICE		576.35	
Dept 335.000 FIRE					
101-335.000-721.000	UNIFORMS & CLEANING ALLOWANCE	NORTH EASTERN UNIFORMS	(4) RESPONDER PARKAS	1,123.96	
101-335.000-721.000	UNIFORMS & CLEANING ALLOWANCE	NYE UNIFORM	TDU SHIRT & PANT - OLANDO	141.48	
101-335.000-721.000	UNIFORMS & CLEANING ALLOWANCE	PAUL CONWAY SHIELDS	HELMET SHIELDS	517.89	
101-335.000-727.000	OFFICE SUPPLIES	GRAINGER	TRASH BAGS	162.36	
101-335.000-727.000	OFFICE SUPPLIES	QUILL CORPORATION	KITCHEN/OFFICE SUPPLIES	172.79	
101-335.000-740.000	OPERATING EXPENSE	AMERICAN AWARDS & ENGRAV	FF OF YEAR AND RETIREMENT PLAQUE	100.00	
101-335.000-740.000	OPERATING EXPENSE	BULLET DISTRIBUTORS	STRIPE OFF WHEEL	39.80	
101-335.000-740.000	OPERATING EXPENSE	W4 SIGNS	RECRUITMENT FLIERS	295.00	
101-335.000-802.000	CONTRACTUAL SVCS	QUENCH	WATER COOLER	117.00	
101-335.000-802.000	CONTRACTUAL SVCS	RIZZO SERVICES	DUMPSTERS & RECYCLING - DEC 2016	38.14	
101-335.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	BATTERY - RESCUE 1	101.83	
101-335.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	MISC PARTS	22.05	
101-335.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	TARP MOTOR T-8&VALVE STEM EXT LADDER	27.50	
101-335.000-863.000	VEHICLE MAINTENANCE	KNAPHEIDE TRUCK EQUIPMEN	DOOR CLOSERS R-1	76.62	
101-335.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	MECHANIC'S SUPPLIES	87.77	
101-335.000-863.000	VEHICLE MAINTENANCE	MID AMERICAN AEL	6" DECKLIGHT - LADDER1	350.00	
101-335.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	MECHANIC'S SUPPLIES	10.29	
101-335.000-931.000	BUILDING MAINTENANCE	BRUTTELL ROOFING	ROOF REPAIR	1,408.00	
101-335.000-977.000	EQUIPMENT	APOLLO FIRE EQUIPMENT CO	SLING, TRUCK CACHE, RESCUE BELAY, ROP	1,910.40	
101-335.000-977.000	EQUIPMENT	BOUND TREE MEDICAL, LLC	HAND WIPES, NASAL AIRWAYS	78.41	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON  
 POST DATES 12/12/2016 - 12/12/2016  
 JOURNALIZED  
 OPEN

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 335.000 FIRE					
Dept 440.000 DEPT. OF PUBLIC WORKS				6,781.29	
101-440.000-727.000	OFFICE SUPPLIES	LAKELAND PRINTING	ENVELOPES	54.05	
101-440.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	67.95	
101-440.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	95.79	
101-440.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	WATER	13.00	
101-440.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	WATER	13.00	
101-440.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	1ST AID SUPPLIES & GLOVES	258.66	
101-440.000-802.000	CONTRACTUAL SVCS	MISS DIG SYSTEM, INC.	ANNUAL MEMBERSHIP 2017	354.21	
101-440.000-802.000	CONTRACTUAL SVCS	RIZZO SERVICES	DUMPSTERS & RECYCLING - DEC 2016	119.86	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	MISC PARTS FOR T-15	51.82	
101-440.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	MISC PARTS	6.24	
101-440.000-863.000	VEHICLE MAINTENANCE	BADER & SONS CO.	HYDRAULIC FITTINGS	13.91	
101-440.000-863.000	VEHICLE MAINTENANCE	CONTRACTORS STEEL COMPAN	STEEL TUBING T-15	800.12	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	TARP MOTOR T-8&VALVE STEM EXT LADDER	199.98	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	TAILGATE LATCH PARTS T-15	144.34	
101-440.000-863.000	VEHICLE MAINTENANCE	HERCULES HARDWARE	STAINLESS STEEL PAINT	110.19	
101-440.000-863.000	VEHICLE MAINTENANCE	INTERSTATE BILLING SERVI	WIRING HARNESS - TOOLCAT	256.38	
101-440.000-863.000	VEHICLE MAINTENANCE	KNAPHEIDE TRUCK EQUIPMEN	DUMP BODY HOIST T-15	2,875.00	
101-440.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	HYDRAULIC HOSE	630.03	
101-440.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	MECHANIC'S SUPPLIES	321.81	
101-440.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	MISC PARTS & TOOLS	82.60	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	LED LIGHTS & MISC PARTS T-15	107.23	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	WIPER BLADES & BATTERY CABLES	13.78	
101-440.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	MECHANIC'S SUPPLIES	37.75	
101-440.000-863.000	VEHICLE MAINTENANCE	TIRE WHOLESALERS COMPANY	TIRES - LEAF MACHINE #1	128.00	
101-440.000-863.000	VEHICLE MAINTENANCE	WOLVERINE TRUCK SALES, I	RADIATOR T-7	1,750.00	
101-440.000-930.000	REPAIR MAINTENANCE	CLOVERDALE EQUIPMENT CO	AIR COMPRESSOR REPAIR	777.61	
101-440.000-935.000	NPDES PHASE 2 STORMWATER	HUBBELL, ROTH, & CLARK,	STORM WATER PERMIT ASST 2015/16	522.90	
101-440.000-974.000	LAND IMPROVEMENTS	HORNET CONCRETE CO. INC.	CONCRETE FOR SIDEWALK REPAIR	580.00	
101-440.000-974.000	LAND IMPROVEMENTS	STONE DEPOT	TOPSOIL FOR TREE PLANTING	64.80	
Dept 690.000 PARKS AND RECREATION				10,451.01	
101-690.000-801.000	PROFESSIONAL SERVICE	JOHN'S SANITATION	PORTABLE TOILETS @ PARKS	290.00	
				290.00	
				24,112.06	
Fund 202 MAJOR STREETS					
Dept 451.000					
202-451.000-801.000	PROFESSIONAL SERVICE	HUBBELL, ROTH, & CLARK,	MCUNN STREET IMPROVEMENTS	238.60	
Dept 463.000 STREET-ROUTINE MAINT.				238.60	
202-463.000-930.000	REPAIR MAINTENANCE	BROWN EQUIPMENT CO., INC.	LEAF VAC HOSE ENDS	265.69	

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 DB: South Lyon

INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON  
 POST DATES 12/12/2016 - 12/12/2016  
 JOURNALIZED

Page: 3/5

OPEN

CHECKS TO BE APPROVED 12/12/2016

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 202 MAJOR STREETS					
Dept 463.000 STREET-ROUTINE MAINT.					
202-463.000-930.000	REPAIR MAINTENANCE	STONE DEPOT	LEAF DISPOSAL (935 YARDS)	1,830.00	
202-463.000-930.000	REPAIR MAINTENANCE	STONE DEPOT	LEAF DISPOSAL (290 YARDS)	580.00	
		Total For Dept 463.000 STREET-ROUTINE MAINT.		2,675.69	
		Total For Fund 202 MAJOR STREETS		2,914.29	
Fund 203 LOCAL STREETS					
Dept 463.000 STREET-ROUTINE MAINT.					
203-463.000-930.000	REPAIR MAINTENANCE	BROWN EQUIPMENT CO., INC.	LEAF VAC HOSE ENDS	265.69	
203-463.000-930.000	REPAIR MAINTENANCE	STONE DEPOT	LEAF DISPOSAL (935 YARDS)	1,830.00	
203-463.000-930.000	REPAIR MAINTENANCE	STONE DEPOT	LEAF DISPOSAL (290 YARDS)	580.00	
		Total For Dept 463.000 STREET-ROUTINE MAINT.		2,675.69	
		Total For Fund 203 LOCAL STREETS		2,675.69	
Fund 401 CAPITAL IMPROVEMENTS					
Dept 451.000					
401-451.000-970.000	CAPITOL IMPROVEMENTS+	SUPER BRIGHT LEDS, INC	LED PARKING LOT LIGHT -MCHATTIE PARK	645.26	
		Total For Dept 451.000		645.26	
		Total For Fund 401 CAPITAL IMPROVEMENTS		645.26	
Fund 592 WATER & SEWER					
Dept 452.000					
592-452.000-801.000	PROFESSIONAL SERVICE	HUBBELL, ROTH, & CLARK,	DOROTHY STREET SANITARY SEWER	89.21	
		Total For Dept 452.000		89.21	
Dept 540.000 WATER / REPAIR					
592-540.000-802.000	CONTRACTUAL SVCS	MISS DIG SYSTEM, INC.	ANNUAL MEMBERSHIP 2017	354.22	
		Total For Dept 540.000 WATER / REPAIR		354.22	
Dept 550.000 SEWER / REPAIR					
592-550.000-802.000	CONTRACTUAL SVCS	MISS DIG SYSTEM, INC.	ANNUAL MEMBERSHIP 2017	354.22	
592-550.000-930.000	REPAIR MAINTENANCE	PLUMBERS SERVICE	CABLED SANITARY LINE - 360 N HAGADORN	328.50	
592-550.000-930.000	REPAIR MAINTENANCE	PLUMBERS SERVICE	CABLED SANITARY LINE - 501 MCUNN	297.00	
592-550.000-930.000	REPAIR MAINTENANCE	PLUMBERS SERVICE	CABLED SANITARY LINE - 1024 BIRCHWAY	180.00	
		Total For Dept 550.000 SEWER / REPAIR		1,159.72	
Dept 555.000 REFUSE COLLECTION					
592-555.000-818.100	REFUSE COLLECTION(CONTRACTUAL	RIZZO SERVICES	SERVICE DECEMBER 2016	41,973.84	
		Total For Dept 555.000 REFUSE COLLECTION		41,973.84	
Dept 556.000 WATER					
592-556.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	22.14	
592-556.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	LAB SUPPLIES	26.00	
592-556.000-740.000	OPERATING EXPENSE	ELHORN ENGINEERING COMPA	PHOSPHATE	2,228.00	
592-556.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	206.14	
592-556.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	268.21	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON  
 POST DATES 12/12/2016 - 12/12/2016  
 JOURNALIZED

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CHECKS TO BE APPROVED 12/12/2016

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 592 WATER & SEWER					
Dept 556.000 WATER					
592-556.000-740.000	OPERATING EXPENSE	IDEXX LABORATORIES*	LAB SUPPLIES	146.56	
592-556.000-740.000	OPERATING EXPENSE	JCI JONES CHEMICALS INC.	CHLORINE	766.20	
592-556.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	GLOVES & 1ST AID SUPPLIES	35.22	
592-556.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	PAPER SUPPLIES	32.50	
592-556.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	WATER RELIABILITY STUDY	512.40	
592-556.000-801.111	VULNERABILITY ASSESSMENT	HUBBELL, ROTH, & CLARK,	DUMPSTERS & RECYCLING - DEC 2016	49.05	
592-556.000-802.000	CONTRACTUAL SVCS	RIZZO SERVICES	MECHANIC'S SUPPLIES	131.65	
592-556.000-863.000	VEHICLE MAINTENANCE	LAWSON PRODUCTS, INC.	MECHANIC'S SUPPLIES	15.44	
592-556.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	MECHANIC'S SUPPLIES	15.44	
592-556.000-977.000	EQUIPMENT	GEOSHACK	LINE DETECTOR	820.00	
		Total For Dept 556.000 WATER		5,259.51	
Dept 557.000 WASTEWATER					
592-557.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	22.14	
592-557.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	31.93	
592-557.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	LAB SUPPLIES	26.00	
592-557.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	GREASE FOR WW MOTORS	30.50	
592-557.000-740.000	OPERATING EXPENSE	BDI	BLOWER BELTS	74.63	
592-557.000-740.000	OPERATING EXPENSE	BRIGHTON ANALYTICAL, INC	WW ANALYSIS	82.50	
592-557.000-740.000	OPERATING EXPENSE	CHEMCO PRODUCTS INC.	POLYMER	5,076.00	
592-557.000-740.000	OPERATING EXPENSE	CHEMTRADE CHEMICALS US L	ALUMINUM SULFATE	5,558.32	
592-557.000-740.000	OPERATING EXPENSE	FISHER SCIENTIFIC	LAB SUPPLIES	360.40	
592-557.000-740.000	OPERATING EXPENSE	FISHER SCIENTIFIC	LAB SUPPLIES	100.15	
592-557.000-740.000	OPERATING EXPENSE	FISHER SCIENTIFIC	LAB SUPPLIES	186.03	
592-557.000-740.000	OPERATING EXPENSE	GRAINGER	MISC PARTS	2.80	
592-557.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	68.50	
592-557.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	125.04	
592-557.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	113.95	
592-557.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	304.89	
592-557.000-740.000	OPERATING EXPENSE	KROFF MECHANICAL SERVICE	HVAC CHECKED	133.50	
592-557.000-740.000	OPERATING EXPENSE	LYDEN OIL COMPANY	BLOWER GEAR OIL	159.50	
592-557.000-740.000	OPERATING EXPENSE	O'REILLY AUTO PARTS	WIPER BLADES & BATTERY CABLES	16.24	
592-557.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	GLOVES & 1ST AID SUPPLIES	35.22	
592-557.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	PAPER SUPPLIES	32.49	
592-557.000-740.000	OPERATING EXPENSE	STODDARD SILENCERS, INC.	BLOWER AIR FILTERS	525.82	
592-557.000-740.000	OPERATING EXPENSE	RIZZO SERVICES	DUMPSTERS & RECYCLING - DEC 2016	49.04	
592-557.000-802.000	CONTRACTUAL SVCS	BIOTECH AGRONOMICS INC	SLUDGE REMOVAL (714,000 GALS)	33,201.00	
592-557.000-931.000	BUILDING MAINTENANCE				
		Total For Dept 557.000 WASTEWATER		46,316.59	
		Total For Fund 592 WATER & SEWER		95,153.09	

INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON  
POST DATES 12/12/2016 - 12/12/2016  
JOURNALIZED  
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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
CHECKS TO BE APPROVED 12/12/2016					
Fund Totals:					
			Fund 101 GENERAL FUND	24,112.06	
			Fund 202 MAJOR STREETS	2,914.29	
			Fund 203 LOCAL STREETS	2,675.69	
			Fund 401 CAPITAL IMPRO	645.26	
			Fund 592 WATER & SEWER	95,153.09	
Total For All Funds:				125,500.39	

The above checks have been approved for payment.

\_\_\_\_\_  
Lisa Deaton, City Clerk/Treasurer

\_\_\_\_\_  
John Galeas, Jr., Mayor

**AGENDA NOTE**  
**Old Business: Item**

**MEETING DATE:** December 12, 2016

**PERSON PLACING ITEM ON AGENDA:** Lynne Ladner, City Manager

**AGENDA TOPIC:** Consider acceptance or rejection of property tax and poverty exemption criteria:

- a. Establishing a limit on SEV meaning a property with an SEV above a set limit would not be eligible
- b. Establishing a limit on the number of consecutive years a person is eligible for a poverty exemption

**EXPLANATION OF TOPIC:** At the November 14<sup>th</sup> City Council meeting the Council adopted a resolution and policy regarding Poverty Exemptions and their application process for the City of South Lyon. In addition to the items that were spelled out in the policy and resolution additional criteria was listed that had been suggested in previous discussions. These criteria were left up to the Council to determine if they wanted to direct City Staff and the City Attorney to research further with the City Assessor and bring that information back to the Council.

Two of the criteria have been requested to be discussed following research completed by a member of the Council.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Original Poverty Exemption documentation that was reviewed for the Nov. 14<sup>th</sup> meeting, research submitted to a Council member from the Oakland County assessor.

**POSSIBLE COURSES OF ACTION:**

**RECOMMENDATION:** None

**SUGGESTED MOTION:**

# AGENDA NOTE

**MEETING DATE:** November 14, 2016

**PERSON PLACING ITEM ON AGENDA:** Tabled from August 22, 2016 Meeting

**AGENDA TOPIC:** Consider approval of Resolution Establishing Policies and Guidelines for Granting Poverty Exemption from Payment of Property Taxes and Poverty Exemption Application Form

**EXPLANATION OF TOPIC:**

At the August 22, 2016 Council meeting, Council was presented with a proposed resolution establishing policies and guidelines for granting a poverty exemption from payment of property taxes. A proposed application was also provided.

There were a number of questions and comments from Council and direction was provided for possible revisions to the resolution and application. The resolution and application have been revised to address those concerns, and the City's Assessor, Oakland County Equalization, has reviewed and provided comments on the revised resolution and application. The significant revisions are summarized below:

- On the Application:
  - The list of what constitutes income has been expanded and clarified. The list of items constituting income on the application has been revised to be consistent with the definition of "Total Household Resources" which replaced the term "Household Income" as is defined in Michigan Department of Treasury Revenue Administrative Bulletin 2015-18.
  - An applicant must provide an explanation for household members over 18 years that reside at the property but do not contribute to the household income
  - The list of what constitutes an asset for purposes of the asset test has been expanded
  - The list of motor vehicles and equipment has been expanded
  - The applicant is also required to complete the Income and Asset Summary Worksheet
- On the Resolution:
  - The definition of assets has been modified to address the categories of assets included on the Application
  - A principal residence held in trust may be eligible for a poverty exemption
  - An applicant who does not file tax returns must submit a Form 4988 Affidavit and a social security statement
  - A condition of eligibility is that all taxes must be paid and current
  - A general statement explaining the intent of the policy and guidelines has been added
  - Per OCE suggestion, the provision allowing applicants and their spouses over age 65 to increase the effective household size by 1 for determining eligibility with the household poverty guidelines has been removed from Paragraph 7 of the resolution.
  - Per OCE suggestion, the specific formula for determining the amount of a partial poverty exemption has been removed. Note, MCL 211.7u authorizes the Board of Review to grant full and partial exemptions, and the resolution is consistent with state law.

There were a number of other suggested eligibility criteria for a poverty exemption, for example –

- Establishing a limit on SEV meaning a property with an SEV above a set limit would not be eligible



- Establishing criteria linking the property tax liability (or the partial exemption) to the household income - if the property taxes are less than a set percentage of household income then the applicant is not eligible
- Establishing a limit on the number of consecutive years a person is eligible for a poverty exemption
- Establishing criteria tying the amount of the exemption to the applicant's income (which is a different way of providing a formula for a partial exemption)

These concepts involve a number of policy issues and have been considered in general, but would require additional investigation, policy direction from Council, and review and input from the City's Assessor.

In addition to the revisions noted above, the following is a list of general points regarding the policy, guidelines and application for poverty exemptions:

- The City's policies and guidelines for poverty exemptions from property taxes are consistent with state law, specifically MCL 211.7u.
- The City is adopting the federal poverty income guidelines for 2017 as set by the federal government and which are contained on page 2 of the Resolution.
- Consistent with MCL 211.7u(b), an Application for a Property Exemption must be accompanied by "federal and state income taxes, tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year."
- The materials clarify that an application must be filed and accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year with the exception that applicants or other household members who were not required to file a tax return may file Form 4988 – Poverty Exemption Affidavit.
- The Resolution includes an asset test wherein an applicant is not eligible for the exemption if the combined value of all household assets owned by all members of the household exceeds two times the federal poverty income guidelines amount for the effective household size. To illustrate, a family of four having assets with a combined value of more than \$48,600 (two times \$24,300 which is the annual allowable income for a household of four people residing at the principle residence) would not be eligible for a poverty exemption. Assets include: real estate other than the principle residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, trust assets, etc.
- The application requires an applicant to state whether the applicant or members of the household are beneficiaries of a trust, along with information regarding a variety of other types assets.
- The application clarifies that "any willful misstatements or misrepresentations made on this form may constitute perjury, which under the law, is a felony punishable by fine or imprisonment."

#### **MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- redline application and resolution showing revisions
- Clean revised application and resolution
- MCL 211.7u
- Form 4988

**POSSIBLE COURSES OF ACTION:** Approve/No Action/Postpone

**RECOMMENDATION:** Approve the Resolution establishing policies and guidelines for granting poverty exemption from payment of property taxes and the poverty exemption application form for 2017.

**SUGGESTED MOTION:** Motion to approve the Resolution establishing policies and guidelines for granting poverty exemption from payment of property taxes and approve the poverty exemption application form for the City of South Lyon for 2017.

**RESOLUTION No. \_\_\_\_**

**CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION ESTABLISHING POLICIES AND GUIDELINES  
FOR GRANTING POVERTY EXEMPTION FROM  
PAYMENT OF PROPERTY TAXES**

*WHEREAS*, the adoption of guidelines for poverty exemptions is required of the City Council; and

*WHEREAS*, the principal residence of persons, who the Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

*WHEREAS*, pursuant to Public Act 390 of 1994, the City of South Lyon, Oakland County, adopts the following policies and guidelines for the Board of Review to implement. The policies and guidelines shall be applied to the information provided in a sworn to Poverty Exemption Application (the form for which is attached to this resolution and is hereby adopted by the City Council), which application includes, but is not limited to, the disclosure of the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy, as a principal residence, the property for which an exemption is requested, and have no ownership interest in any other real estate, including being the beneficiary of a trust which owns real estate.
- 2) File an Application with the Board of Review by returning it to the City Assessor's office, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year. If the applicant or the other household members have not filed tax returns, a Form 4988 – Poverty Exemption Affidavit and a statement from the Social Security Administration and/or Michigan Social Services as to monies paid to applicant(s) during the previous year must be completed and submitted. Disabled applicants may call the Assessor's office to make arrangements for assistance with filing the application.
- 3) File an Application reporting that the combined assets of all persons in the household do not exceed two times the federal poverty income guidelines amount for the effective household size. Assets generally include: other real estate, motor vehicles, recreational vehicles and equipment, life insurance, retirement funds, trust assets, checking accounts, savings accounts, certificates of deposit, cash, stocks, bonds, time-share units, artworks, antiques, coins, precious metals or stones, jewelry, guns, equipment, tax refunds, gifts, loans, other investments or personal property of value.
- 4) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services.

- 5) Produce a valid driver's license or other form of identification, if requested.
- 6) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 7) All property taxes must be paid and current.
- 8) The application for an exemption shall be filed after January 1, and at least one day prior to the last day of the Board of Review. The filing of the application constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.
- 9) Applicants need not appear before the Board of Review, but are encouraged to do so to be available to provide further information or clarification to the Board of Review. Applicants who do not initially appear may be required to appear at the Board of Review to respond to questions. Applicants should understand that the failure to appear at the Board of Review, if requested by the Board of Review, may result in the denial of the Application. If the applicant is disabled, alternate procedures may be allowed pursuant to the City's obligation in the application of the Americans with Disabilities Act.
- 10) The Board of Review shall in no instance require an applicant to have less household income than the applicable poverty income level for the household size.
- 11) The Board of Review may award full and partial exemptions.

**WHEREAS**, the following are the federal poverty income guidelines which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

***Federal Poverty Guidelines for 2017 Assessments***

<b><u>Number of Persons Residing in the Principal Residence</u></b>	<b><u>Poverty Guidelines Annual allowable income</u></b>
1 person	\$ 11,880
2 persons	\$ 16,020
3 persons	\$ 20,160
4 persons	\$ 24,300
5 persons	\$ 28,440
6 persons	\$ 32,580
7 persons	\$ 36,730
8 persons	\$ 40,890
Each additional person, add	\$ 4,160

**WHEREAS**, the City of South Lyon realizes that each application for a poverty exemption from property taxes has an individual set of circumstances that must be considered by the Board of Review in its deliberations. These policies and guidelines are established to assist the Board of Review in developing a uniform and well established basis for granting or denying a poverty exemption request.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of Review shall follow the above stated policies and federal poverty guidelines (as annually updated) in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the

policies and federal guidelines and these reasons are communicated in writing to the claimant.

**BE IT FURTHER RESOLVED** that this resolution is hereby given immediate effect and will stay in effect for subsequent years until amended or voided.

The foregoing resolution was offered by City Council Member \_\_\_\_\_ and supported by City Council Member \_\_\_\_\_.

Upon roll call vote, the following voted:

“Aye”: \_\_\_\_\_

“Nay”: \_\_\_\_\_

The City Clerk declared the resolution \_\_\_\_\_.

\_\_\_\_\_  
Lisa Deaton, Clerk

\_\_\_\_\_  
Date



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF TREASURY  
LANSING

ANDY DILLON  
STATE TREASURER

**BULLETIN NO. 5 of 2012**  
**POVERTY EXEMPTIONS**  
**May 29, 2012**

**TO:** Assessor and Equalization Directors  
**FROM:** State Tax Commission  
**SUBJECT:** Poverty Exemptions

Bulletin 7 of 2010 is rescinded. This Bulletin has been updated to reflect changes in what is considered income for the asset test, due to the Court of Appeals determination in *Ferrero v Township of Walton*. These changes are described in Section C below. Also included are changes in the requirement of federal and state income tax returns due to the passage of Public Act 135 of 2012.

The purpose of this bulletin is to provide additional guidance to assessors and Equalization Directors to provide to Boards of Review regarding poverty exemptions, MCL 211.7u.

If a person's financial situation prevents them from being able to pay the property taxes on his/her home is there a way to reduce the amount of property taxes the taxpayer must contribute?

MCL 211.7u of the General Property Tax Act, MCL 211.1, et. seq., allows a property tax exemption for the principal residence of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute to the public charges.

To be eligible for the poverty exemption, a person must own and occupy the principal residence for which the exemption is requested, file a claim (each year the exemption is sought) with the supervisor or board of review on the city/township's form, along with federal and state income tax returns for all persons residing in the principal residence or file an affidavit for all persons residing in the residence who were not required to file federal or state income tax returns for the current or preceding tax year, show proof of ownership, and meet federal poverty income standards annually determined by the U.S. Office Department of Health and Human Services or standards adopted by the local assessing unit's governing body (if the local assessing unit's standards are less strict than the federal guidelines). *See Section D: Filing for the Poverty Exemption below.*

## **A. Poverty Exemption Guidelines Options**

MCL 211.7u was significantly altered by PA 390 of 1994 and was further amended by PA 620 of 2002 and PA 104 of 2003.

Pursuant to MCL 211.7u(2)(e), local governing bodies are required to adopt guidelines that set income levels for their poverty exemption guidelines and those income levels shall not be set lower by a city or township than the federal poverty guidelines updated annually by the U.S. Department of Health and Human Services. This means, for example, that the income level for a household of 4 persons shall not be set lower than \$22,400, shown in the chart in Section B below. The income level for a family of 4 persons, however, may be set higher than \$22,400 by the local assessing unit.

In order to determine a taxpayer's eligibility for poverty exemption guidelines, PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit shall also include an asset level test. An asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes for the year the property exemption claim was filed. The asset test should calculate a maximum amount permitted and all other assets above that amount should be considered as available. The determination of the amount of the asset level test is left to the discretion of the local assessing unit.

## **B. Federal Poverty Guidelines Used in the Determination of Poverty Exemptions for 2012.**

The following are the federal poverty guidelines for use in setting poverty exemption guidelines for the 2012 assessments.

Size of Family Unit	Poverty Guidelines
1	\$ 10,900
2	\$ 14,700
3	\$ 18,500
4	\$ 22,400
5	\$ 26,200
6	\$ 30,000
7	\$ 33,800
8	\$ 37,600
For each additional person	\$3,800

The income guidelines shall include, but are not limited to, the specific income for the person claiming the exemption, and should also include anyone else who is living at the claimant's household. According to the U.S Census Bureau, "income" includes:

- Money, wages, and salaries before any deductions.
- Net receipts from non-farm self-employment. (These are receipts from a person's own business, professional enterprise, or partnership, after deductions for business expenses.)

assets eligible for the exemption is \$150,000.

Based upon the assets listed on a poverty exemption application, the Board of Review may grant the application a 0% to 100% exemption. This does not preclude the local governing body with from allowing an applicant to own other things, in addition to the house and still receive a poverty exemption. Possible examples include:

- Additional vehicles
- More land than a minimum "footprint" for the home
- Equipment or other personal property of value, including recreational vehicles (campers, motor homes, boats, ATV's etc.)
- Bank account(s) up to a specified amount

A local governing unit, however, may require an applicant to list all of his/her assets to apply for a poverty exemption. Below are some examples of assets the local governing may choose to ask an applicant to list. (This is not an exhaustive list).

- A second home
- Land
- Vehicles
- Recreational vehicles such as campers, motor-homes, boats and ATV's
- Buildings other than the residence
- Jewelry
- Antiques
- Artworks
- Equipment
- Other personal property of value
- Bank accounts over a specified amount
- Stocks
- Money received from the sale of property such as stocks, bonds, a house or a car unless a person is in the specific business of selling such property.
- Withdrawals of bank deposits and borrowed money.
- Gifts, loans, lump-sum inheritances, and one-time insurance payments.
- Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms.
- Federal non-cash benefits programs such a Medicare, Medicaid, food stamps, and school lunches.

Pursuant to PA 390 of 1994, all local governing units shall make available the local policy and guidelines established for granting poverty exemptions to a requesting taxpayer.

The local governing unit is required by MCL 211.7u(5) to follow the established policy and guidelines of the local assessing unit in granting or denying a poverty exemption. MCL 211.7u(5), permits the Board of Review to deviate from this mandate only when



there are "substantial and compelling reasons why there should be a deviation from the policy and guidelines." If the Board of Review deviates from the policy and guidelines, they are required by statute to communicate the substantial and compelling reasons for the deviation from the guidelines *in writing* to the claimant.

For example, a wife suffers a catastrophic illness, and the husband is forced to reduce his work hours to care for her. Their medical bills exceed their insurance coverage and they have used their savings, credit and income to pay those bills, leaving no funds to pay the taxes. Even if their assets exceed the township's maximum asset amount, a board of review might consider these substantial and compelling reasons to deviate from the guidelines.

#### **D. Filing Requirements for the Poverty Exemption**

In order to be eligible for the poverty exemption, the claimant must do all of the following on an annual basis.

- 1) Own and occupy as a principal residence for which the exemption is requested.
- 2) File a claim with the supervisor or the local board of review after January 1<sup>st</sup> but before the day prior to the last day of the Board of Review on a form provided by the local assessing unit. (Note: the filing of this claim constitutes an appearance before the March Board of Review for the purpose of preserving the right to appeal to the Michigan Tax Tribunal).
- 3) Provide federal and state income tax returns for all persons residing in the principal residence including any property tax credit returns. These income tax returns shall include those filed in the current year or in the immediately preceding year. An affidavit may be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current year or in the immediately preceding year.
- 4) Produce a valid driver's license or other form of identification if requested by the supervisor or board of review.
- 5) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is being requested if requested by the supervisor or the board of review.
- 6) Meet the federal poverty income standards as defined and determined annually by the United States Department of Health and Human Services OR meet the alternative income standards adopted by the local governing body. **Important: alternative guidelines shall not require less income to qualify for the poverty exemption than the federal guidelines require.**
- 7) Meet the asset levels set by the local governing body.
- 8) Meet any other tests that may be set by the local governing body.

### **E. Poverty Exemption for Principal Residence and Qualified Agricultural Property**

According to PA 104 of 2003, Eff. January 1, 2004, the poverty exemption only applies to an individual homeowner for his/her "principal residence." As used in MCL 211.7u, "principal residence" means a principal residence or a qualified agricultural property as defined by MCL 211.7dd.

No property owned by a corporation may receive the poverty exemption. This means that even if a corporation meets the definition of a principal residence or of qualified agricultural property a corporation shall not be eligible to receive the poverty exemption.

### **F. Requesting a Poverty Exemption and Appealing Assessment**

PA 390 of 1994 allows a claimant requesting a poverty exemption to also appeal his/her assessment before the March Board of Review in the same year.

### **G. Appealing BOR decisions regarding the Poverty Exemption to the MTT**

A property owner or an assessor may appeal the March Board of Review's decision granting or denying a poverty exemption to the Michigan Tax Tribunal. Appeals to the MTT must be made by July 31 of the same year.

### **H. Partial Poverty Exemption for Principal Residences and Qualified Agricultural Property**

PA 390 of 1994 allows for partial poverty exemptions. A partial poverty exemption is an exemption of only a part of the taxable value of the property rather than the entire taxable value. The local governing body could limit its poverty exemptions to partial exemptions or to minimum or maximum exemptions of their choosing.

### **I. Comments by the State Tax Commission**

The State Tax Commission is concerned regarding the apparent trend toward the abuse of the poverty exemption. The rules and guidelines that PA 390 of 1994 will enable local units to more fairly and consistently exempt qualifying property owners, and will provide better audit tools to local units and the State Tax Commission to prevent abuse of the exemption. Assessors, Boards of Review and Supervisors should all be aware that the 1963 Michigan Constitution still provides a narrow construction of what is, and what is not exempt. Only those poverty exemptions where the claimant meets the requirements of the Act should be granted.

### MTT POVERTY EXEMPTION RULINGS

In *Williams v Detroit*, MTT Docket No. 322275, the respondent denied a claim for a poverty exemption because the petitioner had not owned the property for at least three years as required by paragraph 2 of respondent's Policy. In granting the exemption, the Tribunal held that such policies are not authorized by statute as:

**...there is no express authority to disqualify an otherwise eligible person merely for failure to own the property for three years.** The statute speaks to this issue, and only requires that the person be "an owner of and occupy as a principal residence the property for which an exemption is requested." MCL 211.7u2(a). The statutory definition of 'principal residence' does not require occupancy for a specific period of time in order for a property to qualify as a person's principal residence. MCL 211.7dd. The three year requirement places an additional burden on the taxpayer that is not imposed by the statute, with regard to an issue that is affirmatively addressed by the statute. The legislature indicated that occupancy and ownership is required for the tax year at issue, but did not include a time element.

The Tribunal further indicated that this case is similar to the Tribunal's precedential decision in *Mandel v City of Oak Park*, MTT Docket No. 274378, in which the city adopted a policy denying the exemption for more than three years in a row. The Tribunal held that such a policy was also contrary to the intent and purpose of the statute and bore no relation to the person's ability to contribute to the public charges.

Finally, the Tribunal held that the respondent's:

**...three year ownership rule is contrary to statute, is arbitrary, and effectively punishes home ownership. A person may acquire ownership of a home by gift or inheritance or other means unrelated to her ability to pay property taxes due to poverty. In this case, Petitioner acquired the property from her son for no consideration. She has lived in the subject property for many years. The restriction at issue here is contrary to the statutory intent to provide a property tax exemption to persons who "by reason of poverty, are unable to contribute to the public charges."**

Poverty longevity clause  $\neq$  VALID  
ie. "2 out of 5 years"

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES  
MICHIGAN TAX TRIBUNAL  
SMALL CLAIMS DIVISION

Dvera Mandel,  
Petitioner,

v

MTT Docket No. 274378

City of Oak Park,  
Respondent,

Tribunal Judge Presiding  
Michael A. Stimpson

and  
Michigan State Tax Commission,  
Michigan Municipal League,  
Amicus Curiae

ORDER DESIGNATING DECISION AS PRECEDENT

Pursuant to MCL 205.765, the Michigan Tax Tribunal designates as precedential the decision of Tribunal Judge Thomas J. Hughes entered in the captioned proceeding on August 15, 2002 holding invalid and unlawful a policy and guidelines adopted by the governing body of a local assessing unit that limits the number of years a homestead is eligible for a property tax poverty exemption claimed under section 7u; MCL 211.7u, of the general property tax act.

The decision provides guidance regarding legal standards applicable to the adoption under section 7u(4); MCL 211.7u(4), of the policy and guidelines that a local assessing unit uses for granting exemptions under section 7u; MCL 211.7u.

IT IS SO ORDERED.

MICHIGAN TAX TRIBUNAL

Entered: August 15, 2002

By: \_\_\_\_\_  
Michael A. Stimpson, Tribunal Chair

MCL 211.7u of the general property tax act, MCL 211.1 *et seq.*

By order entered November 19, 2001, the State Tax Commission (STC) was required to appear as amicus curiae and filed an amicus brief on April 29, 2002; the City filed a reply brief on May 13, 2002. On January 17, 2002, the Tribunal granted the Michigan Municipal League's motion to file an amicus brief that was filed on May 14, 2002.

This property tax appeal requires the Tribunal to determine whether the limitations adopted by the City on the frequency a claimant may be eligible for a poverty exemption are valid and enforceable under the provisions of MCL 211.7u as amended by 1994 PA 390, effective December 29, 1994, or other applicable law.

#### FINDINGS OF FACT

Petitioner appealed to the Tax Tribunal the City's denial of her property tax poverty exemption claim for the tax year 2000 under MCL 211.7u in respect of her homestead, the subject property, located in the City of Oak Park, Oakland County, Michigan. The subject property was assessed to Petitioner for the tax year 2000 as follows:

PARCEL NUMBER	TRUE CASH VALUE	STATE EQUALIZED VALUE	TAXABLE VALUE
52-25-29-278-008	\$107,000	\$53,500	\$33,800

Petitioner was granted partial poverty exemptions under MCL 211.7u for the subject property for the tax years 1998 and 1999 but denied an exemption for the tax year 2000 as set forth in the following documentary evidence submitted by the City in this proceeding:

**A Poverty Exemption will not be granted more than two (2) times in any five (5) year period.**

On March 27, 2000 the Board of Review denied Petitioner's poverty exemption request because "Petitioner did not fall within the City's poverty exemption policy" for the reason that an exemption will not be granted in more than two (2) consecutive years or more than two (2) times in any five (5) year period. The City's documentary evidence (filed January 3, 2001) contains an estimate that the subject property would have qualified under the City's Poverty Exemption Policy for a partial exemption of \$11,263 in-taxable value (reducing the 2000 taxable value to \$22,537) if the longevity limitations were not invoked.

#### **CONCLUSIONS OF LAW**

Section 7u; MCL 211.7u of the general property tax act, in effect for the tax year 2000, provides:

Sec. 7u. (1) The homestead of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges is eligible for exemption in whole or in part from taxation under this act. This section does not apply to the property of a corporation.

(2) To be eligible for exemption under this section, a person shall do all of the following on an annual basis:

(a) Be an owner of and occupy as a homestead the property for which an exemption is requested.

(b) File a claim with the supervisor or board of review on a form provided by the local assessing unit, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns, filed in the immediately preceding year or in the current year. The filing of a claim under this subsection constitutes an appearance before the board of review for the purpose of preserving the claimant's right to appeal the decision of the board of review regarding the claim.

(c) Produce a valid driver's license or other form of identification if requested by the supervisor or board of review.

(d) Produce a deed, land contract, or other evidence of ownership of the

The general property tax act (Act), MCL 211.1 *et seq*, provides for the annual assessment and taxation of all real and personal property within the state not expressly exempted. Subsection 2 of section 2 of the Act; MCL 211.2(2) provides in relevant part:

(2) The taxable status of persons and real and personal property for a tax year shall be determined as of each December 31 of the immediately preceding year, which is considered the tax day, any provisions in the charter of any city or village to the contrary notwithstanding.

Thus the taxable status of real property is determined each year as of the tax day; each tax year stands alone. Instead, under the City's longevity limitation guideline, section 7u exemption eligibility (taxable status) for a current year is restricted by past grants of the exemption (taxable status). The Tribunal concludes that the City's longevity limitation on the grant of a section 7u exemption violates the mandate of MCL 211.2(2) that the taxable status of real property for a tax year shall be determined each year. Nothing in section 7u permits the City to adopt a policy or guideline contrary to the mandate of MCL 211.2(2) that the taxable status of real property be determined each year. A guideline or rule that conflicts with the provisions of the governing statute is invalid. *Michigan Sportservice, Inc v Dept of Revenue*, 319 Mich 561, 566, 30 NW2d 281, 283 (1948) ("The provisions of the rule must, of course, be construed in connection with the statute itself. In case of conflict the latter governs."); *Meade Twp v Andrus*, 695 F2d 1006, 1009 (1982). *See also, Danse Corp v City of Madison Heights*, 466 Mich 175, 644 NW2d 721 (2002) in which the Michigan Supreme Court held invalid certain STC guidelines contained in the *Assessor's Manual* for use by assessors in determining whether a particular device is a special tool because the guidelines contained a time condition that expanded the definition of special tools adopted by the STC in rule 21; 1999 AC, R 209.21, promulgated in accordance with the Administrative Procedures Act, MCL 24.201 *et seq*.

that if the Board of Review determines that there are substantial and compelling reasons why there should be a deviation from the guidelines, the Board may approve or deny relief beyond the stated guidelines and the board shall communicate the substantial and compelling reasons in writing to the exemption applicant. (See Appendix A)

Relying on section 7u(5) and the similar provision in the City's Poverty Exemption Policy, the City Board of Review arguably could in the exercise of its judgment in a particular case grant an exemption otherwise barred by the City's longevity limitations. But such discretion in the City Board of Review does not validate a limitation that restricts the frequency of the availability of the section 7u exemption and is wholly unrelated to the fundamental legislative purpose of section 7u to grant a property tax exemption of the homestead of persons who by reason of poverty are unable to contribute to the public charges. Nothing in section 7u indicates that eligibility for the exemption is or may be limited in any way by the number of years that a homestead has been granted a section 7u exemption.

The Tribunal concludes that the limitation included in the City's 2000 Poverty Exemption Policy (Appendix A) that an MCL 211.7u exemption will not be granted for more than two (2) consecutive years or more than two (2) times in any five (5) year period is invalid and unlawful. The Tribunal further concludes that the subject property is entitled under the City's 2000 Poverty Exemption Policy to a partial exemption of \$11,263 in taxable value (reducing the 2000 taxable value to \$22,537).

#### JUDGMENT

IT IS ORDERED that the subject property, parcel number 52-25-29-278-008, is entitled to a partial property tax exemption under MCL 211.7u for the tax year 2000 as provided in the Conclusions of Law of this Opinion and Judgment.



MTT Docket No. 274378  
Opinion and Judgment  
Page 11 of 11

December 31, 1995, at a rate of 6.55% for calendar year 1996, (ii) after December 31, 1996, at a rate of 6.11% for calendar year 1997, (iii) after December 31, 1997, at a rate of 6.04% for calendar year 1998, (iv) after December 31, 1998, at a rate of 6.01% for calendar year 1999, (v) after December 31, 1999, at a rate of 5.49% for calendar year 2000, (vi) after December 31, 2000, at a rate of 6.56% for calendar year 2001, and (vii) after December 31, 2001, at a rate of 5.56% for calendar year 2002.

The interested school districts are Ferndale Public, Oakland County Intermediate and Oakland Community College.

MICHIGAN TAX TRIBUNAL

Entered: August 15, 2002

By: Thomas J. Hughes

**AGENDA NOTE**  
**Old Business: Item**

**MEETING DATE:** December 12, 2016

**PERSON PLACING ITEM ON AGENDA:** Lynne Ladner, City Manager

**AGENDA TOPIC:** Discussion of Conflict of Interest and consider next steps:

- a. Ratifying Pullum Windows bid acceptance votes
- b. Consider and identify ways to conduct investigation and next steps

**EXPLANATION OF TOPIC:** Allegations have been brought before the City Council regarding an issue of Conflict of Interest in regards to a vote to approve the acceptance of two bids and enter into contract with Pullum Windows for the replacement of windows in the Main Police Department building and 318 W Lake another City owned building. The conflict of interest creates several issues for the city. First, the legality of the vote conducted by Council on Aug. 8<sup>th</sup> as a member of Council that is employed by Pullum Windows did not disclose that relationship and that same member of Council voted to approve the acceptance and contract.

The next issue is to determine based upon City Code and the City Charter whether the actions of the Councilmember in question rise to the level of a criminal act as outlined in the City Charter Rule of Council and Financial Interest sections or qualify as a violation of the adopted Code of Ethics as outlined in the City Code.

In an effort to ensure that any investigation is conducted in an impartial and transparent manner I contacted the Michigan Municipal League for recommendations of individuals that are qualified and experienced in Municipal Law that might be able to assist the City. I was given three names, due to a known possible conflict of interest I eliminated one person as they work for the legal firm that has acted as the City's bond counsel in the past. I contacted the other two individuals, provided them with an outline of the situation as well as an outline of what the City hopes to achieve if it were to contract with outside counsel. A proposal was requested with a plan for the investigation, cost estimate, hourly rate, timeframe for completion and any additional expense costs that the City might incur.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** Conflict of Interest Review proposal, work proposals from Melvin Muskovitz and John Barr

**POSSIBLE COURSES OF ACTION:** vote to Ratify the Pullum Windows bid acceptance and contract or direct the City Attorney to take action to seek remediation for the improper Contract. Approve contracting with outside Counsel to investigate the conflict of interest allegations.

**RECOMMENDATION:** Ratify the Contracts and approve contracting with outside counsel to investigate the allegations.

**SUGGESTED MOTION:** Moved by, \_\_\_\_\_ seconded by, \_\_\_\_\_ to Ratify the Contracts and approve contracting with \_\_\_\_\_ as outside counsel to investigate the allegations



JOHNSON ROSATI SCHULTZ JOPPICH PC

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Timothy S. Wilhelm  
twilhelm@jrsjlaw.com

www.jrsjlaw.com

December 1, 2016

Mayor John Galeas, Jr. and City Council  
City of South Lyon  
335 S. Warren Street  
South Lyon, MI 48178

RE: Pullum Windows Bids – Council Member Kivell Conflict of Interest

Dear Mayor Galeas and Council Members:

On November 26, 2016, I provided correspondence advising you of Council Member Kivell's conflict of interest with respect to the approvals of Pullum Window Corporation's bids for the installation of windows at the Police Department and SLARA buildings. Council Member Kivell was employed by Pullum when the Council approved the Pullum bids, but he did not disclose his employment or the conflict of interest and voted on the approvals rather than recusing himself.

Because he did not disclose his conflict of interest as to Pullum and voted on the approvals, the validity and legality of the approvals is in question. There is case law in Michigan to the effect that an improper vote due a conflict of interest invalidates a contract. See, *Elieff v. Marquardt*, 69 Mich. App. 311, 244 N.W.2d 624 (1976). The problem that arises here is that the windows have already been installed at both the Police Department and SLARA building. The City Council approved the payment to Pullum for the Police Department windows on November 14, 2016, but the invoice for the SLARA windows has not yet been presented to Council for payment.

Voiding the bids and contracts would not end the issue. If not paid pursuant to an actual written contract, the contractor would very likely have a good claim for payment under an equitable theory for unjust enrichment or quantum meruit (the principle that one is entitled to be paid for the value of the work done for another even in the absence of a contract). Here, that would be true.

Because all members of Council, even exclusive of Council Member Kivell, were in favor of the Pullum bids, as was the City Administration, the best course at this point may be to consider simply ratifying, or re-doing, the August 8<sup>th</sup> votes and approvals with Council Member Kivell recusing himself due to his conflict of interest.

The three Council motions from August 8<sup>th</sup> include: i) consider approval of the Pullum bid to install windows at the Police Department; ii) consider waiving the bid process for the SLARA window project; and iii) consider approval of the Pullum bid to install windows at the SLARA building. The vote on each of these actions was unanimous, and it appears the Pullum bids were recommended because Pullum is a reputable local business and submitted the lowest bids.

Also, based on his statements during the November 28, 2016, Council meeting, it does not appear Council Member Kivell has or had a financial interest in the Pullum bids or contracts. He stated he was not aware of the Pullum bids prior them being presented to Council, and he did not participate in the bidding process in any way. Further, he explained that as an employee of Pullum he makes windows and is paid by the hour. He is not employed as a salesperson and did not receive any compensation or other financial benefit from the City's approvals of the Pullum bids.

Based on the foregoing, I recommend that Council address any question regarding the validity of the approvals of the Pullum bids and the City's authority to accept and pay for the windows that Pullum has already installed by ratifying or re-approving the Pullum bids and contracts. Council Member Kivell should recuse himself from any such actions.

If Council ratifies or re-approves its prior actions, I do not believe any further action by Council will be required on this matter. But, if Council wishes to take other actions or would like information on other options, I remain ready to provide any assistance I can or as otherwise directed.

Should you have any questions or concerns regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Timothy S. Wilhelm

cc L. Ladner, City Manager  
L. Collins, Police Chief



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Email: MMuskovitz@dykema.com

December 7, 2016

Via Email (lladner@southlyonmi.org)

Lynne Ladner  
City Manager  
City of South Lyon  
335 S. Warren Street  
South Lyon, MI 48178

Re: Proposal to Perform Work

Dear Ms. Ladner:

This letter contains a proposal to perform the work described in the document enclosed with your December 5, 2016, email (Conflict of Interest Review). Dykema does not have a conflict of interest with respect to any member of the South Lyon City Council, the current City Attorney, and the current City law firm. As such, I am prepared to proceed if selected by the City Council. I will perform the work in question. A copy of my Bio is enclosed. My billing rate will be \$395 an hour, which represents a discount from my standard rate. To the extent that legal research is required, that work will be assigned to an associate and billed at \$260.00 an hour. With the City's agreement, the associate may interview certain witnesses, otherwise I will interview all witnesses. Dykema will not charge for telephone or copying costs nor for mileage expense. Dykema will charge for out-of-pocket expenses, if any. Prior to doing so, I will obtain approval in advance before incurring any out-of-pocket expenses in excess of the amount set by the City. Prior to commencing work, it will be necessary for the City to sign an engagement letter. A copy of our standard letter is attached. While the letter refers to a retainer for new clients, this requirement will be waived. Also, the quoted rates will remain in effect for the duration of the assignment.

Because I do not know how many documents will need to be reviewed, how extensive they are, or the number of individuals who will need to be interviewed, it is not possible to provide a preliminary cost estimate. With respect to the investigation, I propose the following steps:

- Identify and review all potentially relevant documents.
- Have an introductory meeting with you and anyone else either of us believes should be present. This meeting to take place the week of December 12<sup>th</sup>.



Lynne Ladner  
December 7, 2016  
Page 2

- Schedule interviews, some of which might be done over the phone, depending on the schedules of potential witnesses and who will be conducting the interview. (I will be out of the office between December 22<sup>nd</sup> and January 13<sup>th</sup>, but available to conduct telephone interviews.)
- Provide a report to include a response to item numbers 1-5 on page 2 of the document and recommendations with respect to items 6 and 7.

With respect to the investigation, do you have any idea whether Councilman Kivell and/or his employer, Pullum Windows, will cooperate in the investigation? Does the City have any information at this time with respect to items 1, 3 and 4 on page 2 of the document?

Once I have a better understanding of the scope of the investigation, I will be able to provide a timeframe for completion.

Thank you for considering me as a potential investigator. Please let me know if you have any questions or if you would like me to provide any additional information.

Sincerely,

**DYKEMA GOSSETT PLLC**

Melvin J. Muskovitz

Enclosures

4837-3431-2509.1

[DATE]

[CLIENT NAME AND ADDRESS]

Re: [MATTER] – Dykema Engagement Letter

Dear [ ]:

We are pleased to confirm the retention of Dykema Gossett PLLC (“we” or the “Firm”) as legal counsel to \_\_\_\_\_ (“you” or the “Client”) in connection with \_\_\_\_\_ (the “Matter”). This letter and the enclosed Standard Terms of Representation describe the basis on which our Firm will provide legal services to the Client. [name of Client contact] will be our principal Client contact for this Matter. If you have questions concerning any of the information provided in this letter, I welcome your call.

*[INSERT APPLICABLE DESCRIPTION OF CLIENT BELOW AND MODIFY AS NEEDED]*

**[ENTITY] Client.** For purposes of this engagement, and for present and future conflicts of interest purposes, our client is \_\_\_\_\_ and not any of its parents, subsidiaries, affiliates, partners, or individual owners, officers, directors, managers, employees, or agents, unless we otherwise agree in writing and/or in a separate engagement letter. Accordingly, representation of the Client in this Matter will not give rise to any conflict of interest in the event other clients of the Firm are adverse to any of such other entities or persons affiliated with the Client.

**Scope of Engagement.** We have agreed that our engagement is limited to performing services related to the Matter only, unless we agree in writing that it shall also apply for other existing or future matters. Our engagement does not include any advice or other legal services relating to federal or state tax laws, federal or state securities laws, bankruptcy laws, or the filing of UCC financing statements, unless we otherwise agree in writing.]

**Fees; Costs; Payment.** [name of responsible attorney] will have primary responsibility for this matter, together with the assistance of other attorneys. [name of responsible attorney] may utilize the assistance of other lawyers or paralegals from time to time as the need arises. We have agreed that fees for our services will be based on our normal hourly rates. [responsible attorney’s] current hourly rate is \$\_\_\_\_\_. A monthly invoice will be furnished to you, which will include an itemization of legal services and reimbursable disbursement costs. Payment is due upon receipt. Unless special arrangements are otherwise made, invoices from third parties may be forwarded to the Client for direct payment. The financial terms of our representation are further described in the enclosed Standard Terms of Representation.

*[ABSENT FIRM APPROVAL, ALL NEW CLIENTS REQUIRE A RETAINER]* As we discussed, we require a retainer of \$\_\_\_\_\_ in connection with this Matter. This retainer will be held by us in a non-interest bearing client trust account, and will be applied to the Firm’s last statement, unless we opt to apply it to earlier billings not paid on time. We reserve the right to request the replenishment of or an increase in the amount of the retainer.]

**Standard Terms of Representation.** Additional information regarding fees and other important matters appear in the enclosed Standard Terms of Representation, which are incorporated as part of this letter and which the Client should review carefully before agreeing to our engagement.

You are encouraged to consult with other counsel on any of the terms of this letter and the attachments, including the waiver provisions thereof.

Please indicate the Client's acceptance of the terms of this letter and the Standard Terms of Representation by signing and returning a copy of this letter to me [with the retainer]. If you do not sign and return this letter, but use our services, such use shall be considered your acceptance of this engagement letter and the enclosed Standard Terms of Representation.

We are delighted that you have chosen to refer this Matter to us, and we look forward to working with you.

Very truly yours,

**DYKEMA GOSSETT PLLC**

[Dykema Lawyer]

Agreed to and Accepted:  
[CLIENT]

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_



## Dykema Gossett, PLLC Standard Terms of Representation

The following standard terms and conditions of engagement are incorporated in and made a part of the engagement letter for each "Matter" for which Dykema Gossett PLLC ("Dykema" or "Firm") is engaged to represent the "Client," as those terms are defined in the engagement letter.

**How We Charge for our Services and Expenses.** Unless some other arrangement has been agreed upon with the Client, Dykema will submit monthly invoices for services and expenses. This ensures that the Client has a current understanding of charges and expenses incurred. The work performed by Dykema on behalf of the Client will be described in the monthly invoice. **Payment is due upon receipt.**

**Services.** The Client will have an attorney who is responsible for the Matter. In addition to serving as the Client's primary contact and either performing or overseeing all services provided for the Client, this attorney will review and approve each invoice the Client receives. The basis upon which we will charge for our services is subject to agreement between the

Client and the Firm. In the absence of a specific agreement to the contrary, the primary factors in determining our fees include the time and effort required and the experience and skill of the person performing the work (reflected in hourly rates).

**Expenses.** At Dykema we make every effort to pass through third-party expenses with no mark-up and no surcharge for the cost of carrying the charge until payment is made by the Client. Filing fees, incorporation fees and similar expenses will appear on the Client's bill at the amount actually disbursed by us on the Client's behalf. *At times these types of expenses may appear on the Client's bill well after the work has been completed. This is a result of the Firm not receiving the invoices from the vendor in as timely a manner as the work was performed.* The Client may be asked to pay directly certain larger expenses that are invoiced by third-parties for the Client's account.

The Client also will be invoiced for expenses incurred in the course of providing legal service to the Client as set forth below:

Service	Charge
Copies/Laser Printing	20¢ / page for black & white; 50¢ / page for color
Scanning	20¢ / page
Telephone Charges	Only hosted conference calls at vendor's rate
Fax Charges	\$1 / page for outgoing faxes only
Computerized Legal Research and Document Retrieval	Discounted rate on computerized legal research. Service provider's standard rate for document retrieval (SEC Edgar files).
Courier	Actual charges
Postage	No charge for ordinary mailings under \$2.50
Litigation Support Services	We charge for processing/preparing electronic stored information (ESI). The amount of these charges is dependent on the specific requirements of the matter. A schedule of these charges is available upon request. We charge \$10/GB each month for ESI stored in our document review platform (Relativity).
Word Processing Services	No charge for ordinary use of word processing. Special desktop publishing services will be charged at \$15.00 / page.
CD/DVD	Data copied and stored on this media is charged at a rate of \$5 per CD/DVD.

**Other Payment Terms.** Dykema reserves the right to bill back annual fees and charges levied by third party e-billing providers if e-billing is required by the client. In certain circumstances, we receive and retain discounts from our third-party contractors based on our volume use of their services. We strongly encourage the Client to raise promptly with us any questions or comments the Client may have regarding any invoice. If the Client's account is not kept current, including attorney fees, we reserve the right to terminate our representation, in accordance with applicable rules of professional conduct. We reserve the right to charge interest on all past due accounts. If collection proceedings are necessary, the Client agrees to pay for our legal fees and expenses. Dykema reserves the right to update how we charge for our services and expenses without notice.

**Responsibility for Payment.** The Client is responsible for payment. In certain transactions in which we represent the Client, the Client may request that a third party pay the bill for our services. Nevertheless, as our client, the Client, and not the third party, shall be responsible for ensuring that our fees and other charges are paid in a timely manner.

**Confidentiality.** We do not disclose nonpublic information about our clients or former clients to anyone, except as permitted by law and the applicable rules of professional conduct. We will preserve the confidentiality of any confidential information that the Client provides to us in the course of our representing it and will not disclose or use any such information for the benefit of any other client. Conversely, we will not disclose to the Client or use on its behalf any information with respect to which we owe a duty of confidentiality to another client or person.

**Advice about Possible Outcomes.** Either at the commencement or during the course of our representation, we may express opinions or beliefs concerning the Matter or various courses of action and the results that might be anticipated. Any such statement made by any lawyer of our Firm is intended to be an expression of opinion only, based on information available to us at the time, and does not constitute a promise or guarantee.

**Estimates.** As we have discussed, the fees and costs relating to this Matter are not predictable. Accordingly, we have made no commitment to the Client concerning the maximum fees and costs that will be necessary to resolve or complete this Matter. Any estimate of fees and costs that we may have discussed represents only an estimate of such fees and costs. It is also expressly understood that the Client's obligation to pay the Firm's

fees and costs is in no way contingent on the ultimate outcome of the Matter.

**Client Responsibilities.** The individual identified in the engagement letter will be our Client contact for this Matter. Client agrees to cooperate fully with us and to provide promptly all information known or available to Client that is relevant to our representation. Client also agrees to pay our statements for services and expenses as provided in the engagement letter and in these standard terms. We will keep Client informed of significant developments on all assignments through routinely providing the Client contact with copies of incoming and outgoing documents, as well as through having periodic discussions, and we will consult with the Client contact in advance of taking any major actions.

**Consent to Future Conflicts.** The Firm represents a broad base of clients on a variety of legal matters. Accordingly, absent an effective conflicts waiver, conflicts of interest may arise that could adversely affect the Client's ability and the ability of other clients of the Firm to choose the Firm as its counsel and preclude the Firm from representing the Client or other clients of our Firm in pending or future matters. Given that possibility, we wish to be fair not only to the Client, but to our other clients as well. Accordingly, this letter will confirm our mutual agreement that from time to time the Firm may represent clients in matters in which such clients' interests may be adverse to the Client or its affiliates. We ask that the Client, by countersigning the engagement letter, waive any conflict that may arise in our representation of other clients in such matters and agree not to seek to disqualify us from such representation, provided that such matters are not substantially related to any matter in which we represent the Client or on a matter in which the Client has provided us with confidential information material to the matter.

**Insurance.** Unless expressly included in the scope of engagement above, the Client shall be responsible for tendering any claim or suit to the Client's insurer. It is possible that the Client or Dykema may secure the agreement of an insurance company and that Dykema may act as the Client's counsel. Some insurance companies impose restrictions on the type, amount of or hourly rate for legal services for which they will pay and may further refuse reimbursement for various cost items. In addition, some insurance companies may unilaterally impose other restrictions which are different from this Agreement. While Dykema will, of course, work cooperatively with any insurance company defending the Client, and make every effort to minimize the expense not absorbed by the Client's insurance

company, Dykema's agreement is with the Client, the Client agrees to pay promptly Dykema's invoices, and the Client will seek such reimbursement from the insurance company as may be appropriate. In the event a billing dispute arises between the Client and the insurance carrier, Dykema will advise the Client and, if the Client wishes, Dykema will represent the Client in connection with that dispute.

**Retention and Disposition of Documents.** Following termination of our engagement, any otherwise non-public information that the Client has supplied to us with respect to such Matter and which is retained by us will be kept confidential in accordance with applicable rules of professional conduct. Upon the Client's written request, the Client's papers and property will be returned to the Client promptly upon receipt of payment for all outstanding fees and expenses, unless otherwise required by applicable rules of professional conduct. Our own files pertaining to the Matter will be retained by the Firm in accordance with our normal policies. These include, for example, Firm administrative records (such as time and expenses reports, personnel and staffing materials, and credit and accounting records) as well as internal lawyers' work product (such as drafts, agreements, notes, internal memoranda and e-mail, legal and factual research and investigative reports). All records and files will be retained and disposed of in compliance with our policy in effect from time to time without further notice to the Client. Subject to future changes, it is our current policy generally not to retain records relating to a Matter for more than five years.

**Termination.** Our representation of the Client in this Matter may be terminated by either of us at any time by written notice by or to the Client. Such written notice may be (a) the Client's notification to us of the Client's termination of our representation, (b) our confirmation to the Client of the completion of our representation, or (c) our notification to the Client of our withdrawal. Our representation also will end, regardless of whether or when written notice was sent by or to the Client, as of the date of our final statement for services rendered in connection with the Matter. If our services are terminated for any reason, such termination shall be effective only to terminate our services prospectively and all the terms of the engagement letter and these standard terms shall survive such termination.

We reserve the right to withdraw from our representation as permitted by applicable rules of professional conduct. In the event that we terminate the engagement, we will be entitled to be paid for all services rendered and costs or expenses incurred on behalf of the Client through the date of withdrawal. If permission for withdrawal is required by a court or

arbitration panel, we will promptly request such permission and the Client agrees not to oppose our request.

**Post-Engagement Matters.** Upon cessation of our active involvement in a particular Matter (even if we continue active involvement in other matters on the Client's behalf), we will have no further duty to inform the Client of future developments or changes in law as may be relevant to such Matter. Further, unless the Client and Dykema mutually agree in writing to the contrary, we will have no obligation to monitor renewal or notice dates or similar deadlines which may arise from the Matter for which we had been retained.

**External Electronic Communication Authorization.** The Firm may send documents or other information that is covered by the attorney-client or work product privileges using external electronic communication ("EC") (via the internet or other network). The Client understands that EC is not an absolutely secure method of communication. The Client's execution of the engagement letter will serve to acknowledge and accept the risk and authorize the Firm to use EC means to communicate with the Client or others necessary to effectively represent the Client. If there are certain documents with respect to which the Client wishes to maintain absolute confidentiality, the Client must advise the Firm in writing not to send them via EC and the Firm will comply with the Client's request.

**Consent to Use of Information.** In connection with future materials that, for marketing purposes, describes facets of our law practice and recite examples of matters we handle on behalf of clients, the Client agrees that, if those materials avoid disclosing the Client's confidences and secrets as defined by applicable ethical rules, they may identify the Client as a client, may contain factual synopses of the Client's matters, and may indicate generally the results achieved, unless otherwise agreed to.

**Entire Agreement.** The engagement letter and these standard terms constitute the entire understanding and agreement between the Client and the Firm regarding the terms of our engagement in this Matter and supersedes any prior understandings and agreements, written or oral, and any subsequent billing requirements, or letters submitted to us by the Client. If any provision of the engagement letter or these standard terms is held by a court or arbitration panel to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect. The engagement letter and these standard terms may be amended only by means of a subsequent, written agreement between the Client and the Firm.

## Melvin J. Muskovitz

Senior Counsel

### Ann Arbor

2723 South State Street  
Suite 400  
Ann Arbor, MI 48104



T: 734-214-7633 mmuskovitz@dykema.com

### Areas Of Practice

Labor & Employment  
Employment Litigation  
Non-Compete, Unfair Competition  
and Trade Secrets  
Litigation  
Unions & Collective Bargaining  
Employment Counseling  
Biotechnology and Life Science  
Health Care  
Mergers & Acquisitions

### Bar Admissions

Michigan, 1971

### Court Admissions

U.S. District Court, Eastern District  
of Michigan, 1971

U.S. District Court, Western  
District of Michigan, 1994

### Education

University of Michigan, J.D.  
University of Michigan, B.A.

Mr. Muskovitz is a member in Dykema's Labor and Employment Practice Group. Mr. Muskovitz represents employers in federal and state courts, and before administrative agencies. He also devotes a significant portion of his time counseling and assisting employers to find practical solutions to difficult employment situations arising under state and federal employment laws. Mr. Muskovitz also assists employers in drafting employment policies and negotiating employment and severance agreements with highly placed corporate executives. Prior to entering into private practice, Mr. Muskovitz was a staff attorney with the National Labor Relations Board and Assistant Ann Arbor City Attorney.

Mr. Muskovitz has been named in *The Best Lawyers in America* 2009-2016 in the practice area of Labor and Employment Law. Mr. Muskovitz has also been named a "Lawyer of the Year" in Ann Arbor for Litigation - Labor and Employment by *Best Lawyers* for 2015.

A frequent speaker, Mr. Muskovitz has also written articles, presented seminars and provided client training with respect to the following topics:

- Termination of Employment: Best Practices
- Attracting and Hiring New Employees: Legal Issues and Practical Approaches for Employers
- The Top Five Errors Employers Make in Complying With the Fair Labor Standards Act
- Navigating the Family Medical Leave Act/Americans With Disabilities Act/Workers' Compensation maze
- Whistleblower and Retaliation Claims
- Military Leave Issues
- Avoiding the perils of conducting workforce reductions and lay-offs
- Identifying and Preventing Harassment and Discrimination in the Workplace
- Do the EEOC's new "Caregiver Guidelines" create a new protected class of employees under anti-discrimination laws?
- Minimizing Unemployment Compensation Costs
- Employee/independent contractor issues
- Privacy in the Workplace
- National Labor Relations Act and Non-Union Employers

Melvin J. Muskovitz (Cont.)

- Due Process Rights of Public Sector Employees
- Effectuating Changes in a Union Environment During Tough Financial Times
- Managing Employee Health and Health Costs
- Workplace Safety—An Employer's Game Plan
- Americans with Disabilities Act and Employee Policies
- How is your organization affected by the recent expansion of the FMLA to cover the families of military service members and other proposed changes?

## Experience

- Represented employers in state and federal courts and before administrative agencies with respect to claims arising out of Title VII of the Civil Rights Act (race, sex, national origin, religion), the Americans With Disabilities Act, the Older Workers Benefits Protection Act, the Family and Medical Leave Act, the Fair Labor Standards Act, and the National Labor Relations Act.
- Obtained pre-trial dismissal of claims by former employee alleging Fraudulent Misrepresentation, Breach of Contract, Oppression of Minority Shareholders, Breach of Fiduciary Duty, Breach of Promissory note, Usurpation of Corporate Opportunity & Conversion of Corporate Assets and Wrongful Discharge.
- Obtained summary dismissal in an arbitration proceeding involving claims by company vice president for breach of contract and wrongful discharge.
- Obtained injunctive relief in state court prohibiting high level management employee from working for a direct competitor.
- Successfully defended employer against claim that its newly hired employee was violating a non-competition covenant with his former employer.
- Successfully defended employers in arbitration hearings involving claims of wrongful discharge and challenges to the employers' management decisions.

## Seminars & Speeches

*Changes in Life Circumstances: Pregnancy, Caregiving Responsibilities and Aging Workforces*, Dykema Employment Seminar  
October 16, 2014

*BYOD (Bring Your Own Device) Your Company is Likely At Risk*, Kapnick Insurance 15th Annual Legal/HR Seminar, Plymouth, Michigan  
June 11, 2014

*What You Don't Know Can Hurt You - Best Practices From Pre-Hire to Post Termination*, IASB/IASA/IASBO Joint Annual Conference, Chicago, Illinois, Melvin J. Muskovitz, Speaker; Charles A. LeMoine, Moderator  
November 17, 2012

*Exploring Legal Issues Affecting Employers and Offering Proven Solutions*, Dykema Employment Seminar  
November 15, 2011

## Publications

"DOL Minimum Wage and Overtime Compensation Rule"  
December 8, 2015  
*Leading Age Michigan - The Latest Wrinkle*

"On The Road: Legal Considerations Of Telecommuting"  
July 5, 2012  
*Law360*

Melvin J. Muskovitz (Cont.)

"Wage and Hour Issues in Home Health—The Impact of Proposed Changes in the Companionship Exemption"  
December 2011  
*LTC-SIR Advisor*, American Health Lawyers Association

## News

Mel Muskovitz Recently Quoted In *Corporate Counsel* and *JDSupra Business Adviser*  
August 25, 2014

Mel Muskovitz to Address Kapnick Insurance 2014 Legal Seminar  
June 9, 2014

Muskovitz Authors *Law360* Article on Legal Considerations of Telecommuting  
July 19, 2012

## Blog Posts

OSHA Provides Interim General Guidance for Workers and Guidance for Workers in Fields at Increased Risk of Ebola Exposure

Application of Fair Labor Standards Act to Domestic Service – Final Department of Labor Rule

An Employer's Guide to Telling Time – A Brief Explanation Of Which Hours Must Be Counted When Determining Overtime Eligibility

On The Road—Legal Considerations for Telecommuting Employees

## Memberships & Involvement

- State Bar of Michigan, Employment Law Section, Member; Public Corporation Law Section, Member
- Washtenaw County Bar Association
- American Bar Association, Labor and Employment Law Section, Member

## Awards & Recognition

Named a "Lawyer of the Year" in Ann Arbor for Litigation - Labor and Employment by *Best Lawyers®* for 2015, 2017.

Recognized In *The Best Lawyers in America®* 2009-2016 for Labor and Employment Law. Copyright 2015 by Woodward/White, Inc., Aiken, SC

Named a Top Lawyer by *dbusiness Magazine* for Employment Law - Management, Labor Law - Management, and Labor and Employment Litigation, 2015

Jewish Community Center of Washtenaw County, Founding Member Award

Recipient of an AV® Preeminent™ Rating by *Martindale-Hubbell*

Ann Arbor United Jewish Appeal, Leadership Award

President's Award, Ann Arbor Symphony Orchestra



**Barr,  
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www.barrlawfirm.com  
e-mail: jbarr@barrlawfirm.com

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

December 7, 2016

Lynne Ladner  
City Manager  
City of South Lyon  
335 S. Warren Street  
South Lyon, MI 48178

Re: Proposal for Special Council Investigation of Conflict of Interest Matter

Dear Ms. Ladner,

I am pleased to submit our proposal for attorney services for the City of South Lyon in the special matter outlined in your December 5, 2016 invitation to bid. Enclosed for your review is a proposed contract, our special rate schedule, statements on potential conflicts of interest, proposed resolution for the appointment of special council, and copies of résumés of attorneys John M. Barr and Daniel J. DuChene.

**FIRM BACKGROUND AND INFORMATION**

Barr, Anhut & Associates has been in practice for 62 years and has 35 years representing municipal clients. The firm is "AV" rated (the highest rating possible) from Martindale-Hubbell Law Director, a legal directory of all U.S. attorneys. Martindale ratings reflect peer judgments on legal ability, quality of work, dependability, reliability, and financial stability. Currently, the firm represents the cities of Ypsilanti, Milan, and Saline; the townships of Lodi and Manchester; the Saline Area Fire Department and the Milan Fire Department. In the past, the firm has represented the cities of Taylor, Allen Park, and Belleville; the townships of Canton, Augusta, Sylvan; and Northfield.

Of particular interest in this proposal, the firm has experience in special cases. For example, the firm has recently conducted an investigation of alleged wrongdoing by a city clerk and provided a report of findings to the city manager and council; successfully represented another city in litigation against its mayor, requiring the mayor to comply with the city charter and council resolutions; and successfully mediated a major dispute between councilmembers for another city. Additionally, the firm was also hired to research and provide advice to the Michigan Municipal League for its recent revisions to the Marriage Handbook for Mayors.

We believe that our firm is uniquely qualified to service the City of South Lyon in its request, as Barr, Anhut & Associates combines decades of experience, boutique size,



and use of modern technology to provide clients with effective, efficient, and quality result-driven representation. The firm has an extensive on-site library, including a special library of municipal works. But, we also have access to internet libraries for efficient research and document production. Finally, we keep paper files on site. But, we also scan and index all work and have very rapid document retrieval capabilities. We believe in "continuous improvement" and regularly upgrade our office systems and equipment. Aside from the legal experience and capabilities of our firm, we would also note that associate attorney Daniel DuChene is a former newspaper reporter with training and experience in investigative reporting.

#### PROPOSED SCOPE OF SERVICES

For this particular matter, the firm will assign associate attorney Daniel J. DuChene to conduct the investigation and perform preliminary research. Mr. DuChene is a former newspaper reporter and has experience and training in conducting investigative reporting, aside from his experience in municipal law. The entire matter will be supervised by the firm's principal attorney, John M. Barr. Mr. Barr is a highly experienced municipal law attorney; has presented to many state-wide municipal organizations; and has received several awards based on his civility, ethics, and practice of municipal law. Our regular office staff will also be assisting in this matter.

Based on the invitation to bid and the proposed issues, we anticipate our services will include a full investigation of the relationship between Pullum Windows, Councilmember Kivell, and any other interested party that may be of relevance. We further anticipate investigating the facts, circumstances, and communications involved in the selection and approval of the contracts at issue. These investigative services will include research and review of the public record; acquisition and review of relevant documentation and correspondence of the City of South Lyon, Pullum Windows, and any relevant actors; and interviews with individuals involved in the matter. Concurrently with this investigation, we will research and review all applicable provisions of the Charter, Code of Ordinances, and internal policies for the City of South Lyon as well as any applicable state and federal laws. Finally, per the request if the invitation to bid, this office will research and review the charters, codes of ordinances, and policies of other comparable municipalities to compare with those relevant provisions in place with the City of South Lyon.

Once these investigation, research, and review services are completed, this firm will formally provide its findings and recommendations to you and the South Lyon Mayor and City Council in writing. This report will provide all options available to the City of South Lyon and may provide suggested actions, where appropriate. Once this report is





provided, any follow up services, including presentation thereof, would be at the option and pleasure of the City.

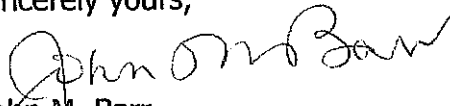
**ESTIMATED DURATION AND COST OF SERVICES**

Our proposed rate and cost schedule is attached. Based on previous similar work and the anticipated scope of services for this matter, we estimate an approximate range for the total amount of time spent by this firm of between 45 and 75 hours. Using this same basis, we further estimate an approximate range of total costs and expenses between \$200 and \$500. This would include mileage, copying, and postage costs. Combining these estimates and our proposed rate schedule, we anticipate a total estimated amount of between \$5,000 and \$10,000. Finally, we would anticipate a two to four-month duration between the appointment of our firm as special counsel and the final report being issue.

Please note, the duration, hours of work, expenses, and total costs provided herein are preliminary estimates. The actual amounts may be higher or lower than the estimates provided depending on the circumstances of this particular matter.

Please do not hesitate to contact me if you would like more information or if you have any questions, comments, or concerns. We look forward to working with you on this matter.

Sincerely yours,

  
John M. Barr

## **SPECIAL COUNSEL AGREEMENT**

This Special Counsel Agreement (hereinafter "Agreement") is entered into by and between the City of South Lyon, a Michigan home rule city having an address of 335 S. Warren Street, South Lyon, MI 48178 (hereinafter "City") and Barr, Anhut & Associates, P.C., a Michigan professional corporation, having an address of 105 Pearl Street, Ypsilanti, MI 48197 (hereinafter "Firm") on this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (hereinafter "Effective Date").

### **RECITALS**

The City, by its duly constituted City Council, has passed a resolution appointing the Firm as Special Counsel to investigate certain matters related to a potential conflict of interest concerning the relationships between the City, Councilmember Glenn Kivell, and the Pullum Window Corporation, a Michigan corporation having an address of 415 Lafayette, South Lyon, MI 48178 (hereinafter "Matter"), and file a report of its findings to the City Manager, City Mayor, and members of City Council. Specifically, the City has issued an invitation to bid, attached hereto as Attachment A and incorporated herein by reference as a part of this Agreement. The Firm has prepared a proposal in response to this invitation, which is attached hereto as Attachment B and incorporated herein by reference as part of this Agreement.

In consideration of the mutual agreements expressed herein, the parties do hereby agree as follows:

### **AGREEMENT**

1. The Firm agrees to perform the duties of Special Counsel as outlined herein and by attachments A and B.
2. The City agrees to compensate the Firm for its time, costs, and reasonable expenses, as set out in the Rate Schedule contained in Attachment B.
3. The relationship between the parties shall be that of attorney-client.
4. The City shall be billed monthly for all Firm work, interviews, preparatory work, materials review, research, conferences (in person and by telephone), and travel time in minimum increments of 1/4 (one quarter) hour. Each telephone conference shall be billed at a minimum of 1/4 (one quarter) hour. The first billing shall include preparatory work prior to the date of this contract.
5. The City shall also be billed monthly for all costs incurred on behalf of the City, including recording fees, filing fees, service fees, judgment fees, witness fees, subpoena fees, mileage, long distance telephone charges, copy costs, fax costs, etc., in addition to the attorney fees mentioned above. The City is encouraged to review their bill carefully and notify the Firm of any discrepancy. Bills will be deemed agreed upon 30 days after submission.
6. Bills shall be sent to:

ATTN City Administration  
City of South Lyon  
335 S. Warren Street  
South Lyon, MI 48178

The amount billed is a "cash price" fee and is to be paid within 15 days after receipt of the bill. If not paid, then this Agreement shall be a common-law retail charge agreement and a time price differential of seven percent (7%) per annum will be added each month to the unpaid balance, until paid in full. Fees are earned when due when billed unless specific agreements are made with the Firm in writing.

7. The parties expressly understand and agree that the Firm shall serve as Special Counsel at the pleasure of the City Council.
8. The Firm, as Special Counsel, is granted all power and authority customarily granted to attorneys by clients, including but not limited to:
  - a. Power and authority to control the nature, direction, and strategy concerning the Matter. The Firm shall consult with the City Attorney and/or City Council from time to time concerning the progress in the Matter.
  - b. The Firm, as Special Counsel, is granted, at its sole discretion, the power and authority to discuss facts, information, and issues with any witness or City representative and to disclose any such information which, in its sole discretion, it deems beneficial to the City in the course of the Matter.
9. The file generated by the Firm for this Matter belongs to the Firm. (R-19 4/4/2000) The parties agree that the property of the Firm is confidential and not subject to disclosure under the Freedom of Information Act. Once engagement in this Matter ends, the Firm will return any of the file material provided by the City, upon request. The City agrees that any materials left with the Firm for 90 days after the engagement ends shall be the property of the Firm and may be retained or destroyed, at its discretion.

IN WITNESS, WHEREOF, the duly authorized representatives of the parties set their hands,

FOR THE CITY OF SOUTH LYON:

FOR THE CITY OF SOUTH LYON:

\_\_\_\_\_  
John Galeas, Jr.  
Mayor

\_\_\_\_\_  
Lisa Deaton  
Clerk

FOR BARR, ANHUT & ASSOCIATES, P.C.:

APPROVED AS TO FORM:

\_\_\_\_\_  
John M. Barr, Principal Attorney  
Principal Attorney

\_\_\_\_\_  
Timothy S. Wilhelm  
South Lyon City Attorney



**Barr,  
Anhut &  
Associates, P.C.**  
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e-mail: info@barrlawfirm.com

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

December 6, 2016

**CITY OF SOUTH LYON SPECIAL RATE SCHEDULE**

Proposed rates charged for different personnel are as follows:

Senior/Principal Attorney	\$150 per hour
Associate Attorney	\$125 per hour
Legal Assistant/clerical	\$50 to \$90 per hour

Typical charges for costs include, but are not limited to, the following:

Copy costs - \$.20 per copy  
FAX costs - \$1 per page  
Postage costs - actual cost\*  
Express mail - actual charge\*  
Court costs, subpoena fees, Outside Contractors, etc., - actual cost\*  
Travel expenses: mileage charged at IRS rate per mile  
Common carrier - actual charge\*  
Internet research fees – actual cost  
Closed file information retrieval - \$50

Other costs\* include, but are not limited to, filing fees, telephone charges, service fees, judgment fees, witness fees, appraisal fees, friend of the court fees, expert fees, surveyor's fees, recording fees, title policy and title work fees.

\*10% overhead may be added to these out-of-pocket costs.



**Barr,  
Anhut &  
Associates, P.C.**  
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e-mail: dduchene@barrlawfirm.com

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

POTENTIAL INTERESTED PARTIES

**CITY OF SOUTH LYON**

335 S. Warren Street  
South Lyon, MI 48178

Lynne Ladner – City Manager  
John Galeas, Jr. – Mayor  
Harvey Wedell – Mayor Pro Tem  
Mary Dedakis – Councilmember  
Glenn Kivell – Councilmember  
Michael Kramer – Councilmember  
Margaret Kurtzweil – Councilmember  
Joseph Rzyzi – Councilmember

**PULLUM WINDOW CORPORATION, INC.**

415 N. Lafayette  
South Lyon, MI 48178

**ASSUMED NAMES**

Pullum Window and Door, Next  
Generation, Inc.  
Marvin Window Planning Center

**Marvin Windows of Michigan**

Marvin Windows  
Amazing Windows  
Weather Sealed of Michigan  
Weather Sealed Windows &  
Doors  
Weather Sealed MFG  
South Lyon Industries  
PWC Windows & Doors  
PWC  
Kolor Clad  
Kolor Clad Doors  
Color-Clad  
Color-Clad Windows  
Color Clad  
Color Clad Windows

**OWNERS**

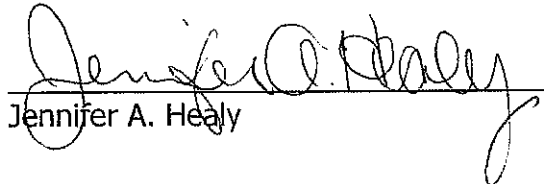
Charles B. Pullum  
Barry A. Pullum

STATEMENTS OF POTENTIAL CONFLICTS OF INTEREST

I certify that I am the Office Manager of the law firm Barr, Anhut & Associates, P.C. and that I have performed a conflict check against our firm's records of the above individuals and entities and there appears to be no known conflict between this firm and those listed above.

Furthermore, I certify that I have reviewed the above-listed individuals and entities and I have no known personal interest or relationship with those listed.

Dated: 17-08-2016

  
Jennifer A. Healy



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

December 7, 2016  
Page 2

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I certify that I have reviewed the above-listed individuals and entities and I have no known personal interest or relationship with those listed.

Dated: 12/7/2014

John M. Barr  
John M. Barr

I certify that I have reviewed the above-listed individuals and entities and I have no known personal interest or relationship with those listed.

Dated: 12/7/2016

Daniel J. DuChene  
Daniel J. DuChene

PROPOSED RESOLUTION FOR THE APPOINTMENT OF SPECIAL COUNSEL

RESOLVED, that the law firm of Barr, Anhut & Associates, PC, of 105 Pearl, Ypsilanti, MI, 48197, be and hereby is retained as special counsel to investigate certain matters related to a potential conflict of interest concerning the relationships between the City, Councilmember Glenn Kivell, and the Pullum Window Corporation, and to report his findings to the City Manager, the Mayor and City Council. The Mayor and City Clerk are authorized to sign a retainer agreement with the firm, subject to the approval of the City Attorney.



**Barr,  
Anhut &  
Associates, P.C.**  
ATTORNEYS AT LAW

105 Pearl Street  
Ypsilanti, MI 48197  
(734) 481-1234  
Fax (734) 483-3871  
www.barrlawfirm.com  
e-mail: jbarr@barrlawfirm.com

John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

## John M. Barr

John M. Barr has served as Ypsilanti City Attorney since 1981. He also represents a number of other municipal clients. He is the senior attorney of the law firm Barr, Anhut & Associates, P.C. and is a graduate of Michigan State University and the University of Michigan Law School

Mr. Barr is active in Bar activities and is a past commissioner on the State Bar Board of Commissioners. He is a past president of the Washtenaw County Bar Association, the Michigan Association of Municipal Attorneys (life member) and the Michigan Municipal League Legal Defense Fund. He is a recipient of the Special Award of Merit of the Michigan Municipal League and The Michigan Association of Municipal Attorneys Distinguished Municipal Attorney Award and the William L. Steude Ethics and Civility in Local Government Award. In 2012, he was honored with the State Bar of Michigan Frank J. Kelley Distinguished Public Service Award. He is a Fellow of both the State Bar of Michigan and the American Bar Association.

Mr. Barr is a frequent lecturer on legal matters. He taught business law at Eastern Michigan University, and has presented for the Michigan Municipal Clerks Association, the Michigan Association of Municipal Attorneys, the Institute of Continuing Legal Education, and the Michigan Municipal League.

John has a deep devotion to his surrounding community and has developed Barr, Anhut and Associates, P.C. to follow in that passion. John has expectations of all staff that they are out in the community volunteering and that attorneys provide bar recommended pro-bono service. Some of his personal experiences have been serving the Boy Scouts of America, Emmanuel Lutheran Church, Ann Arbor Power Squadron, Ypsilanti Public Housing Commission, Attorneys Division - Washtenaw United Way, Ypsilanti "Y" Committee, Washtenaw Family Service, and the Washtenaw 100.



## EXPERIENCE

*Barr, Anhut & Associates, P.C.*

*1958-Present*

*Ypsilanti, Michigan*

### **Vice Present, Senior Attorney**

- General law practice, emphasis on municipal, real estate, corporation, estate planning law.
- Court approved mediator.
- State Boundary Commission

## EDUCATION

*University of Michigan Law School*  
**Juris Doctor**

*August 1959*

*Ann Arbor, Michigan*

*Michigan State University*  
**Bachelor of Arts, Divisional Major Social Science**

*June 1956*

*East Lansing, Michigan*

- Semester abroad at Mexico City College



## **LICENSES AND ASSOCIATIONS**

- American Bar Association
  - Government and Public Sector Lawyers Division
  - General Practice Section
  - Solo Practice Section
- State Bar of Michigan
  - Member, Representative Assembly
  - Member, Board of Commissioners 1996 – 2003
  - Master Lawyer Section, Past President
  - General Practice Section
  - Public Corporation Section
  - Criminal Law Section
- Washtenaw County Trial Lawyers Association
- Washtenaw County Bar Association, Past President
- Michigan Municipal League Legal Defense Fund, Past President
- Law officer Ann Arbor Power Squadron, US Power Squadron

## **RECOGNITIONS**

- Rated A-V, highest peer rating by Martindale-Hubbe legal directory
- Listed in “Who’s Who In American Law,” “Who’s Who In The Midwest,” and “Who’s Who In America”
- Special Award of Merit, Michigan Municipal League
- Fellow, Michigan State Bar Foundation (Life member)
- Fellow, American Bar Association (Life member)
- ICLE Certificate in Estate Planning
- Boy Scouts of America Scouter’s Key 1983
- Boy Scouts of America Silver Beaver Award
- Distinguished Municipal Attorney Award
- MML Ethics and Civility in Local Government Award 2008
- Civility and Professionalism Award, Washtenaw County Bar Association
- Named “Super Lawyer” by Law and Politics Magazine 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2014, 2015
- Frank J. Kelly Distinguished Public Service Award, 2012
- Named one of Top Attorney In Michigan by Crain's Detroit Business 2013, Hour 2014

## **VOLUNTEER WORK**

- Boy Scouts of America
- Corner Health Center
- Emmanuel Lutheran Church
- High/Scope Educational Research Foundation
- Salvation Army
- Ann Arbor Sail and Power Squadron
- Child and Family Service
- Washtenaw 100, Past President
- Washtenaw United Way
- Ypsilanti High School Choir Endowment Committee
- Ypsilanti Community Choir
- Ypsilanti Housing Commission
- Ypsilanti “Y” Committee
- American Legion
- Vietnam Veterans
- Ypsilanti District Library Board of Trustees
- Washtenaw County Bar Association May Day Pro Bono work



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John M. Barr  
Karl A. Barr  
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel  
William F. Anhut ~ Of Counsel – Retired  
Jennifer A. Healy ~ Legal Assistant

## **Daniel J. DuChene**

Before being hired by the firm as an associate attorney in 2013, Mr. DuChene had worked as a law clerk for the firm for nearly three years. As a law clerk, Mr. DuChene researched and drafted documents and pleadings in all of the diverse areas of law in which the firm practices for the jurisdictions of several county district and circuit courts, the Michigan Court of Appeals, and the federal U.S. District Court for the Eastern District of Michigan. He has also drafted legislation for the firm's municipal clients and performed special investigations for municipal and private clients.

As an attorney, Mr. DuChene enjoys his work in municipal law, criminal defense and prosecution, family law, contract law and collections, as well as probate law and estate planning. He graduated from Thomas M. Cooley Law School in May, 2013. During law school, Mr. DuChene worked as a student attorney for the Washtenaw County Public Defender's Office, a judicial intern for 14A District Court Judge J. Cedric Simpson, and a legal intern for a medical device manufacturer. He was also a finalist in his school's moot court competition.



Before attending law school, Mr. DuChene was a community journalist and publisher in the Ypsilanti area, having studied political science and journalism at Eastern Michigan University. He was a staff writer for the Ypsilanti Courier before launching a publishing company with his partners. The publishing company operated a news website called the Ypsilanti Citizen and collaborated with other publishers to produce iSpy, a monthly arts and entertainment magazine.

## **EXPERIENCE**

*Barr, Anhut & Associates, P.C.*

*December 2013-Present*

*Ypsilanti, Michigan*

### **Associate Attorney**

Law firm represents several municipalities, including the City of Ypsilanti, and performs general legal representation for other clients.

- Represent the cities of Ypsilanti, Milan, and Saline in prosecution of misdemeanors and municipal civil infractions.
- Draft municipal legislation, including resolutions, ordinances, and charter language, as well as research and drafts opinion memos regarding questions to such language.
- Negotiate and draft contracts concerning agreements for litigation settlement, goods, services, and real property.
- Represent clients in diverse areas of law, including domestic law, real property, criminal defense, probate, business law, and consumer law.
- Appear on behalf of clients in local district courts, county circuit courts, and the Michigan Court of Claims.

*Eastern Michigan University*

*September 2015-Present*

*Ypsilanti, Michigan*

### **Adjunct Lecturer**

Instruct an advanced-level undergraduate course in the journalism department on laws related to the practice of journalism and ethics in reporting. The following topics are instructed:

- Constitutional law related to the First Amendment
- Tort law, including defamation, invasion of privacy, and negligence

- Intellectual property law, including copywrite and trademark
- Michigan sunshine legislation: the Open Meetings Act and the Freedom of Information Act
- Society of Professional Journalists Code of Ethics

*Barr, Anhut & Associates, P.C.*

*February 2011-December 2013*

*Ypsilanti, Michigan*

**Law Clerk**

- Researched and assisted with representation and prosecution of a diverse range of municipal issues and cases, including nuisance abatement, property tax appeals, freedom of information and first amendment questions.
- Drafted and interpreted charter and ordinance language.
- Researched and assisted with representation of a wide array of matters for general clients, including divorce and child custody, real property, criminal defense, probate, and business law.
- Worked on cases and drafted pleadings for municipal and general clients for local district courts, county circuit courts, Michigan Court of Appeals, and the United States District Court for the Eastern District of Michigan.

*Terumo Cardiovascular Systems*

*May 2012-November 2013*

*Ann Arbor, Michigan*

**Legal Intern**

In-House counsel for global medical device developer and manufacturer, specializing in cardiac surgery products.

- Assisted with discovery in employment litigation, including drafting discovery requests and reviewing discovery responses.
- Drafted demand letters and pleadings for contract litigation.
- Tracked, reviewed, and drafted company agreements and contracts.
- Assisted with internal intellectual property and patent file work.

*14A District Court*

*January-April 2013*

*Ann Arbor, Michigan*

**Judicial Intern**

Intern for Hon. J. Cedric Simpson, 14A District Court Judge

- Researched and drafted opinions and orders for entry by the Court.
- Researched and discussed legal issues relevant to matters before the Court.
- Assisted clerks with filing of court documents.
- Observed both civil and criminal court proceedings.

*Washtenaw County Public Defender*

*September-December 2012*

*Ann Arbor, Michigan*

**Student Attorney**

Pursuant to MCR 8.120, under supervision of assistant public defenders:

- Managed multiple felony cases each week.
- Represented and argued on behalf of clients in pre-trials, preliminary examinations, and sentencing.
- Dealt with clients, prosecutors, and judges relevant to plea agreements and sentencing.

*MoJo News Group, LLC*

*November 2008-November 2010*

*Ypsilanti, Michigan*

**Partner, Editor**

Started and ran a local media company that published an internet news site and an arts/entertainment magazine.

- Ypsilanti Citizen (news site) 10,000 visitors monthly.
- iSPY (magazine) 10,000 copies monthly
- Wrote and edited content for both publications.
- Hired and supervised numerous free-lance writers.
- Kept track of finances quarterly and prepared tax information every year.

*Ypsilanti Courier*

*May 2006-January 2008*

*Ypsilanti, Michigan*

**Staff Writer**

Local weekly newspaper, with 7,000 readers.

- Wrote news, feature, and opinion articles.
- Covered local government, school districts, and businesses.
- Followed several crime and court stories.
- Took photos, edited videos, managed blog, and paginated.

## EDUCATION

*Thomas M. Cooley Law School*

*May 2013*

*Ann Arbor, Michigan*

### **Juris Doctor**

- Honors Scholarship recipient
- Dean's List
- Moot Court

*Eastern Michigan University*

*December 2009*

*Ypsilanti, Michigan*

### **Bachelor of Science**

- Studied Political Science and Journalism
- Spent semester abroad at University of Derby, United Kingdom
- Model United Nations
- Eastern Echo (student newspaper)

## LICENSES AND ASSOCIATIONS

- ♦ American Bar Association
- ♦ State Bar of Michigan
- ♦ Washtenaw County Bar Association  
2006
- ♦ Ypsilanti Bar Association
- ♦ Michigan Association of Municipal Attorneys

## AWARDS

- ♦ Winter 2013 Intra-School Moot Court Competition semi-finalist
- ♦ Several awards in journalism between  
and 2008.
- ♦ Eagle Scout – Boy Scouts of America

**AGENDA NOTE**  
**New Business: Item**

**MEETING DATE:** December 12, 2016

**PERSON PLACING ITEM ON AGENDA:** Lynne Ladner, City Manager

**AGENDA TOPIC:** 2017 City Council meeting schedule

**EXPLANATION OF TOPIC:** MCL 15.265(2) provides:

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

The City posts a notice outside on the city hall bulletin board that regular council meetings are held on the 2nd and 4th Monday of each month.

A quick review of the calendar shows the following as Regular Council Meetings

January 9 and 23  
February 13 and 27  
March 13 and 27  
April 10 and 24  
May 8 and 22  
June 12 and 26  
July 10 and 24  
August 14 and 28  
September 11 and 25  
October 9 and 23  
November 13 and 27  
December 11 and 27(second meeting is on a Wednesday due to City Holidays)

A simple motion to approve the dates for regular council meetings on the 2nd and 4th Mondays of each month with the exception of December 25th which will be rescheduled to December 27<sup>th</sup>, or something like that.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:** N/A

**POSSIBLE COURSES OF ACTION:** Approve the above listed calendar with or without the second meeting in December scheduled for Dec. 27<sup>th</sup> as the 25<sup>th</sup> and 26<sup>th</sup> will be city holidays.

**RECOMMENDATION:** None

**SUGGESTED MOTION:** Moved by, \_\_\_\_\_ seconded by, \_\_\_\_\_ to approve the dates for regular council meetings on the 2nd and 4th Mondays of each month with the exception of December 25th which....

## **Lynne Ladner**

---

**From:** Jeff Noechel <Jnoechel@southlyonmi.org>  
**Sent:** Wednesday, November 30, 2016 2:21 PM  
**To:** rcottongim@hotmail.com  
**Cc:** Lloyd Collins  
**Subject:** 5 Year Anniversary Party December 26th 2016

Ryan,

Per our discussions and the diagrams that you have provided for your upcoming event on 12/26/2016, the follow points shall be enforced:

1. Fire pits shall be a minimum of 25' from the main front doors and overhang of the Witch's Hat.
2. Fire pits shall be spaced a minimum of 15' apart.
3. All fire pits shall be continually monitored by trained staff while in use.
4. All fire pits shall be covered while in use, unless being re-stoked.
5. Only clean wood shall be burned in the fire pits. No trash shall be burned.
6. Fire pits shall be protected by either a portable fire extinguisher (10lb ABC) or a working garden hose.
7. One to two fire pits requires one portable fire extinguisher. Every additional fire pit requires the addition of one extra fire extinguisher of the same size.
8. All fires are to be completely extinguished at the end of the event.
9. Once extinguished, all ash from the pits shall be stored in a metal trash and disposed of properly at your earliest convenience.
10. Based on the drawing you have provided, the Occupancy Load for the outside area shall not exceed 400 souls at any single point. The building's current inside Occupancy Load of 99 shall remain in effect.

Jeff Noechel  
Lieutenant - South Lyon Fire Department  
217 Whipple Street, South Lyon, MI 48178  
(248) 437-2616 phone (248) 437-3025 fax



Liquor Control Commission (MLCC)  
Toll-Free: 866-813-0011 - [www.michigan.gov/lcc](http://www.michigan.gov/lcc)

business ID: \_\_\_\_\_  
Request ID: \_\_\_\_\_

## Temporary Authorization Application

(For MLCC Use Only)

(Authorized by R 436.1023(2),(3), R 436.1403(2), R 436.1407, and R 436.1419)

**\*\*\*This application, all required documents, and a \$70.00 inspection fee must be submitted at least ten (10) days in advance of your event for your request to be considered by the Commission.\*\*\***

### Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it is filed with the State of Michigan Corporation Division.

Licensee name(s): Witch's Hat Brewing Company, LLC		
Address: 601 S Lafayette		
City: South Lyon	Zip Code: 48178	
Contact name: Ryan Cottongim	Phone: 248-974-5781	Email: ryan@witchshatbrewing.com

☒ \$70.00 Inspection Fee - Make Check Payable to **State of Michigan** MLCC Use - Fee Code 4037

### Part 2 - Temporary Authorizations Available

A licensee may request up to twelve (12) daily authorizations for each type of temporary authorization in a calendar year. Select all that apply to this application:

<input checked="" type="checkbox"/> Temporary Outdoor Service - Complete Parts 3, 8, and 9	<input type="checkbox"/> Temporary Extended Hours Permit - Complete Parts 6 and 9
<input type="checkbox"/> Temporary Dance Permit - Complete Parts 4 and 9	<input type="checkbox"/> Temporary Specific Purpose Permit - Complete Parts 7, 8, and 9
<input type="checkbox"/> Temporary Entertainment Permit - Complete Parts 5 and 9	

### Part 3 - Temporary Outdoor Service Information

Temporary Outdoor Service requires a recommendation from the local law enforcement agency that has primary jurisdiction over the licensed premises. **The local law enforcement agency must complete Part 8 of this application.**

Date(s) of event: December 26, 2016	Describe event: Outdoor anniversary party	
Date(s) of event:	Describe event:	
Date(s) of event:	Describe event:	
1. Check below if the event(s) listed above will include any of the following: <input type="checkbox"/> Dancing <input type="checkbox"/> Contests <input type="checkbox"/> Tournaments <input type="checkbox"/> Classic Cars <input type="checkbox"/> Motorcycles <input type="checkbox"/> Concerts <input type="checkbox"/> Festivals		
2. List the exact dimensions of the proposed area: <div style="display: inline-block; border: 1px solid black; padding: 2px 10px;">72</div> feet X <div style="display: inline-block; border: 1px solid black; padding: 2px 10px;">171</div> feet = <div style="display: inline-block; border: 1px solid black; padding: 2px 20px;"></div> square feet <b>Submit a diagram of outdoor area with application</b> <div style="display: flex; justify-content: space-around; width: 100%;"><span>Width</span><span>Length</span></div>		
3. Describe type and height of the barrier that will be used to enclose the area: 48" tall orange snow fence perimeter		
4. Will the proposed outdoor service area be connected to the licensed premises? <input checked="" type="radio"/> Yes <input type="radio"/> No If <b>No</b> , what is the distance from the licensed premises to the proposed area? <div style="display: inline-block; border: 1px solid black; padding: 2px 20px;"></div> feet		
5. Is the entrance/exit point(s) for the proposed area through the licensed premises? <input type="radio"/> Yes <input checked="" type="radio"/> No		
6. Are there any dedicated streets or intervening property between proposed area and the licensed premises? <input type="radio"/> Yes <input checked="" type="radio"/> No		
7. Describe type of security that will be used for event(s) and how it will be utilized to secure and monitor to prevent sales to minors and visibly intoxicated persons: We will have staff and volunteer staff acting as security at the gate and at random points around the event		

8. Is the location of the proposed area owned, rented, or leased by the licensee?	<input checked="" type="radio"/> Yes <input type="radio"/> No
If <b>No</b> , submit a lease or written permission to use the proposed area, including permission from a city, township, or village if the proposed area is located on municipally owned-property.	
9. Is the proposed area located in the same local governmental unit as the licensed premises?	<input checked="" type="radio"/> Yes <input type="radio"/> No
If <b>No</b> , please explain:	
10. Does the licensee currently hold an Additional Bar Permit that will be utilized in the proposed area?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If <b>No</b> , the licensee will be restricted to providing only table service in the proposed area unless a new Additional Bar Permit has been requested by the licensee and approved by the Commission.	

#### Part 4 - Temporary Dance Permit Information

<ul style="list-style-type: none"> <li>Licensees that currently hold a Dance Permit at the licensed premises <u>do not</u> need to request a Temporary Dance Permit for dancing in a Temporary Outdoor Service area.</li> <li>The dance floor must be at least 100 square feet, be clearly marked, and shall not have tables, chairs, or other obstacles on the dance floor while customers are dancing.</li> </ul>	
1. List the dates requested for a Temporary Dance Permit:	

#### Part 5 - Temporary Entertainment Permit Information

<ul style="list-style-type: none"> <li>Licensees that currently hold an Entertainment Permit at the licensed premises <u>do not</u> need to request a Temporary Entertainment Permit for entertainment in a Temporary Outdoor Service area.</li> <li>A Temporary Entertainment Permit does not allow for topless activity on the licensed premises.</li> </ul>	
1. List the dates requested for a Temporary Entertainment Permit:	
2. Describe the type of entertainment provided:	
3. Will the entertainment provided under the Temporary Entertainment Permit include a contest with prizes totalling over \$250.00 in retail value?	<input type="radio"/> Yes <input type="radio"/> No
If <b>Yes</b> , the licensee must complete Form LCC-207 and submit with this application. <i>No alcoholic beverages may be used as part of any contest or as a prize for a contest. No licensee may provide anything of value from another licensee without prior Commission approval.</i>	

#### Part 6 - Temporary Extended Hours Permit Information

<ul style="list-style-type: none"> <li>Licensees that currently hold an Extended Hours Permit in conjunction with a Dance or Entertainment Permit at the licensed premises <u>do not</u> need to request a Temporary Extended Hours Permit for use with a Temporary Outdoor Service area.</li> </ul>	
1. Select the permit type that requires a Temporary Extended Hours Permit*: <input type="checkbox"/> Dance Permit <input type="checkbox"/> Entertainment Permit	
2. List the dates and hours requested for a Temporary Extended Hours Permit:	

#### Part 7 - Temporary Specific Purpose Permit Information

<ul style="list-style-type: none"> <li>Licensees that currently hold a Specific Purpose Permit for an approved purpose at the licensed premises <u>do not</u> need to request a Temporary Specific Purpose Permit for the same purpose for use with a Temporary Outdoor Service area.</li> <li>A Temporary Specific Purpose Permit requires a recommendation from the local law enforcement agency that has primary jurisdiction over the licensed premises. <b>The local law enforcement agency must complete Part 8 of this application.</b></li> </ul>	
1. Indicate the activity that requires extended hours* (e.g. food service):	
2. List the dates and hours requested for a Temporary Specific Permit:	

#### \*Hours of Operation

**Weekdays and Saturdays** - Beer, wine, and spirits may be sold from 7:00 a.m. to 2:00 a.m. of the next day, provided that the sale of spirits is legal in the governmental unit where the license is desired.

**Sundays** - Legal hours of sale on Sundays are from 7:00 a.m. until 2:00 a.m. of the next day, provided the sale of alcoholic beverages on Sunday is legal in the governmental unit and the appropriate permit has been approved by the Commission and the permit has been issued.



The local law enforcement agency with primary jurisdiction over the event location must complete this section.

Name of law enforcement agency: South Lyon Police Department		
Address of law enforcement agency: 219 Whipple St, South Lyon MI 48178		
Phone number of officer: 248-437-1773	Email of officer: chief@southlyonpolice.com	
I certify that I have reviewed this application and recommend the approval of the Temporary Outdoor Service or Temporary Specific Purpose Permit by the Michigan Liquor Control Commission.		
Lloyd T. Collins, Chief of Police	Chief Lloyd T. Collins	11/30/16
Print Name & Title of Reviewing Officer:	Signature of Reviewing Officer	Date

#### Part 9 - Signature of Licensee

If approved, the license shall not sell, or allow the consumption of alcoholic beverage outdoors, except in the defined area, under administrative rule R 436.1419.

If approved, the licensee shall provide service of alcoholic beverages in the outdoor area only by wait staff servicing the tables, unless the licensee uses an approved additional bar in the area where customers may obtain their alcoholic beverages from a bartender using a currently authorized additional bar or receiving approval by the Commission for a new Additional Bar Permit.

Refrigeration trucks and/or trailers cannot include an alcoholic beverage logo and must be rented by the licensee from a non-wholesale company. If the refrigeration truck/trailer allows customer access to obtain alcoholic beverages, an Additional Bar Permit must be obtained unless an existing Additional Bar Permit will be utilized.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this license for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

**Submit this application, all required documents, and a \$70.00 inspection fee at least 10 days at least ten (10) days in advance of your event for your request to be considered by the Commission. Make check payable to State of Michigan.**

Ryan Cottongim President

Print Name of Licensee & Title

Signature of Licensee

Date

Please return this completed form along with corresponding documents and fees to:  
Michigan Liquor Control Commission  
Mailing address: P.O. Box 30005, Lansing, MI 48909  
Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933  
Fax to: 517-373-4202

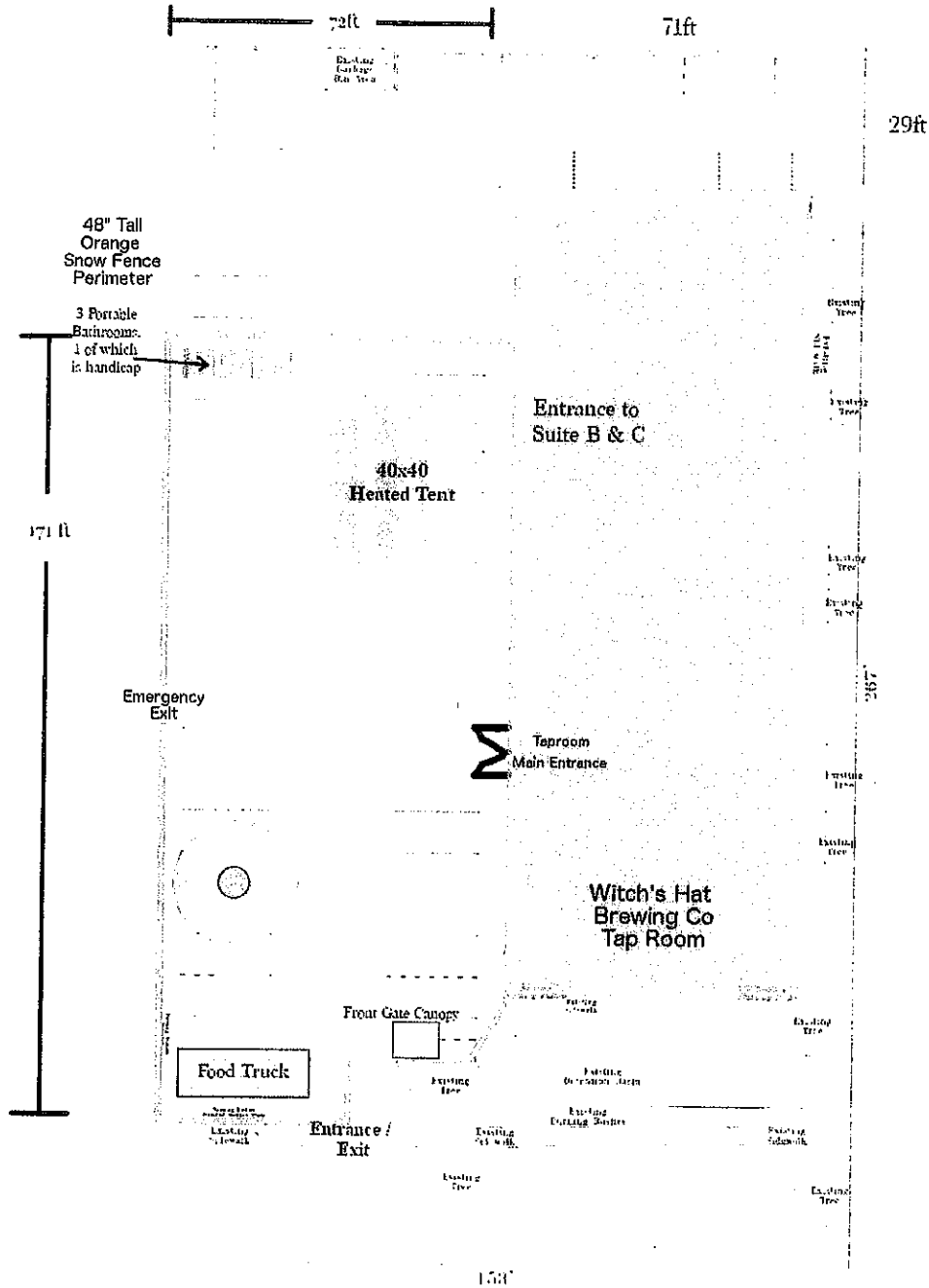
2016 After Xmas 5 Year Anniversary Party

Monday, December 26 Noon to Midnight

Indoor and outdoor party with outdoor heated tent, bonfire pit.

food truck and Live Music..

Parking will be held across the street and in public lots.



## Lynne Ladner

---

**From:** Fire Chief  
**Sent:** Monday, December 05, 2016 2:43 PM  
**To:** Lynne Ladner  
**Subject:** FW: Salem Fire

Lynne,

Please add this as an informational item only to the December 12 City Council packet. Thank you.

### **Mike Kennedy**

Fire Chief - South Lyon Fire Department  
217 Whipple Street, South Lyon, MI 48178  
(248)437-2616 office (810)333-8114 cell

This communication may contain confidential and/or privileged information and is intended for the exclusive use of the intended recipient. Any unauthorized review, use, disclosure, or distribution is prohibited. This communication is intended solely for informational purposes only and may contain inaccuracies. If you are not the intended recipient, please contact sender and destroy all copies of this communication.

---

**From:** Jim Rachwal [firechief@salem-mi.org]  
**Sent:** Wednesday, November 30, 2016 20:48  
**To:** Fire Chief  
**Subject:** Salem Fire

Dear Chief Kennedy,

I wish to personally thank you for your Departments support for the fire at our recycling plant. We had three counties responding to a fire that had winds over 40 mph and a wind chill in the teens. With your firefighters help we were able to save approximately 2/3 of the building.

Again please thank your firefighters for a job well done,

Sincerely,

James Rachwal  
Fire Chief  
Salem Township Fire Department  
O: 248.349.1690

PS Great job with your fire ground tactics and the Aerial made all the difference!

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 Tax ID# 38-3107356

November 16, 2016

City of South Lyon  
Attn: Lisa Deaton, Clerk/Treasurer  
335 S. Warren Street  
South Lyon, MI 48178

Invoice # 1068069

In Reference To: City Attorney Retainer Work

Professional Services Rendered Through October 31, 2016

	<u>Hours</u>	<u>Amount</u>
<u>Arcadis</u>		
10/5/2016 TSW Correspondence to and from R Anderson at ASTI regarding City's background documents	0.10	
10/6/2016 TSW Attend meeting with DPW Director regarding City's documents on 128 S Lafayette; correspondence to R Anderson at ASTI regarding inspection of City's documents	0.20	
10/12/2016 TSW Correspondence to DPW Director regarding City documents relating to 128 S. Lafayette	0.20	No Charge
10/20/2016 TSW Correspondence to and from G Taylor at Arcadis regarding status	0.10	No Charge
SUBTOTAL:	[ 0.60	]
<u>City Council</u>		
10/2/2016 TSW Review Council Packet	0.20	

Johnson, Rosati, Schultz & Joppich, P.C.

	<u>Hours</u>	<u>Amount</u>
10/3/2016 TSW Preparation for Council meeting	0.30	
TSW Attend Special Council meeting	1.30	
10/6/2016 TSW Receipt/review Council packet	0.10	
10/10/2016 TSW Attend Council meeting	3.20	
10/24/2016 TSW Review minutes and correspondence to Clerk and Council regarding suggested revisions to minutes of October 10, 2016 Council meeting	0.40	
TSW Attend Council meeting	1.90	
SUBTOTAL:	<hr/> 7.40	]
<u>District Court Prosecutions</u>		
10/3/2016 DWG Receipt/review of updated 10/4/16 arraignment docket	0.10	
DWG Receipt/review of Judge Bondy's updated 10/4/16 docket	0.10	
DWG Receipt/review of Judge Law's updated 10/4/16 docket	0.10	
DWG Receipt/review of Judge Reeds' updated 10/4/16 docket	0.10	
DWG Receipt/review of Notice to Appear	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Order of Acquittal/Dismissal	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Motion and/or Order to Show Cause	0.10	

		<u>Hours</u>	<u>Amount</u>
10/3/2016	DWG Receipt/review of Motion and Order for Discharge from Probation	0.10	
	DWG Receipt/review of Notice to Appear	0.10	
	DWG Receipt/review of Amended Motion and Summons Regarding Probation Violation	0.10	
	DWG Receipt/review of Amended Motion and Summons Regarding Probation Violation	0.10	
	DWG Receipt/review of Judge Bondy's 10/5/16 docket	0.10	
	DWG Receipt/review of Judge Law's 10/5/16 docket	0.10	
	DWG Receipt/review of Judge Reeds' 10/5/16 docket	0.10	
	DWG Receipt/review of Judge Batchik's 10/6/16 docket	0.10	
	DWG Receipt/review of Judge Bondy's 10/6/16 docket	0.10	
	DWG Receipt/review of Judge Law's 10/6/16 docket	0.10	
	DWG Receipt/review of Judge Reeds' 10/6/16 docket	0.10	
	DWG Receipt/review of Judge Bondy's 10/10/16 docket	0.10	
	DWG Receipt/review of Judge Law's 10/10/16 docket	0.10	
	DWG Receipt/review of Judge Reeds' 10/10/16 docket	0.10	
10/4/2016	DWG Prosecute morning docket of Pretrial Conferences	0.90	
	DWG Prosecute afternoon docket of Bench Trial	0.60	
	DWG Receipt/review Appearance and Demand for Discovery	0.20	
	DWG Receipt/review Judgment of Sentence	0.10	

	<u>Hours</u>	<u>Amount</u>
10/4/2016 DWG Receipt/review Notice to Appear	0.10	
DWG Receipt/review Notice to Appear	0.10	
DWG Receipt/review Notice to Appear	0.10	
DWG Receipt/review Notice to Appear	0.10	
DWG Receipt/review Notice to Appear	0.10	
10/5/2016 DWG Receipt/review of 10/12/16 arraignment docket	0.10	
DWG Receipt/review of Judge Bondy's 10/12/16 docket	0.10	
DWG Receipt/review of Judge Law's 10/12/16 docket	0.10	
DWG Receipt/review of Judge Reeds' 10/12/16 docket	0.10	
10/6/2016 DWG Telephone conference with Defendant's Attorney P. Jacques regarding status of response to request for discovery	0.20	
DWG Telephone conference with Defendant's Attorney P. Jacques requesting adjournment of 10/11/16 Pretrial Conference	0.20	
DWG Receipt/review Notice to Appear	0.10	
DWG Receipt/review correspondence from Defendant's Attorney B. Debolski regarding status of Defendant's driver's license	0.20	
DWG Receipt/review Judge Bondy's 10/11/16 docket	0.10	
DWG Receipt/review Judge Law's 10/11/16 docket	0.10	
DWG Receipt/review Judge Reeds' 10/11/16 docket	0.10	
DWG Receipt/review Judge Batchik's 10/13/16 docket	0.10	

	<u>Hours</u>	<u>Amount</u>
10/6/2016 DWG Receipt/review Judge Bondy's 10/13/16 docket	0.10	
DWG Receipt/review Judge Reeds' 10/13/16 docket	0.10	
10/9/2016 DWG Preparation of email correspondence to 52/1 District Court Administrator A. Black regarding 10/13/16 police/court/prosecutors meeting; Receipt/review email correspondence from A. Black regarding same	0.20	
10/10/2016 DWG Preparation of subpoenas for 11/17/16 Bench Trial	0.30	
DWG Telephone conference with Defendant's Attorney P. Weipert regarding adjournment of 10/11/16 Pretrial Conference	0.20	
10/11/2016 DWG Prosecute morning docket of Pretrial Conference	0.80	
DWG Receipt/review of Notice to Appear	0.10	
DWG Receipt/review of Notice to Appear	0.10	
DWG Receipt/review of Notice to Appear	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Motion and/or Order to Show Cause	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Motion and/or Order to Show Cause	0.10	
DWG Receipt/review of Motion and/or Order to Show Cause	0.10	



		<u>Hours</u>	<u>Amount</u>
10/11/2016	DWG Receipt/review of Motion and/or Order for Discharge from Probation	0.10	
	DWG Receipt/review of Notice to Appear	0.10	
	DWG Receipt/review of Sentencing Order	0.10	
	DWG Receipt/review of Judge Bondy's 10/17/16 docket	0.10	
	DWG Receipt/review of Judge Law's 10/17/16 docket	0.10	
	DWG Receipt/review of Judge Reeds' 10/17/16 docket	0.10	
10/12/2016	DWG Preparation of email correspondence to Chief Collins regarding 10/13/16 police/court/prosecutor's meeting at 52/1 District Court	0.20	
	DWG Receipt/review 10/18/16 arraignment docket	0.10	
	DWG Receipt/review of Judge Bondy's 10/18/16 docket	0.10	
	DWG Receipt/review of Judge Law's 10/18/16 docket	0.10	
	DWG Receipt/review of Judge Reeds' 10/18/16 docket	0.10	
	DWG Receipt/review of Judge Bondy's 10/19/16 docket	0.10	
	DWG Receipt/review of Judge Law's 10/19/16 docket	0.10	
	DWG Receipt/review of Judge Reeds' 10/19/16 docket	0.10	
10/13/2016	DWG Receipt/review of Appearance and Demand for Discovery	0.20	
	DWG Receipt/review of warrant request	0.20	
10/14/2016	DWG Receipt/review of Judge Bondy's updated 10/17/16 docket	0.10	
	DWG Receipt/review of Judge Law's updated 10/17/16 docket	0.10	

	<u>Hours</u>	<u>Amount</u>
10/14/2016 DWG Receipt/review of Judge Reeds' updated 10/17/16 docket	0.10	
DWG Receipt/review of Judge Batchik's 10/20/16 docket	0.10	
DWG Receipt/review of Judge Bondy's 10/20/16 docket	0.10	
DWG Receipt/review of Judge Law's 10/20/16 docket	0.10	
DWG Receipt/review of Judge Reeds' 10/20/16 docket	0.10	
DWG Preparation of Complaint and Warrant	0.30	
DWG Preparation of email correspondence to _____ requesting further investigation on trespassing complaint	0.20	
10/17/2016 DWG Receipt/review email correspondence from _____ with supplemental report regarding attempts to interview suspect; Review same	0.20	
DWG Receipt/review incident report	0.20	
DWG Telephone conference with Defendant's Attorney K. Murrel regarding 10/18/16 Pre-Formal Hearing Conference	0.20	
DWG Telephone conference with Defendant's Attorney P. Jacques regarding 10/18/16 Pretrial Conference	0.20	
DWG Receipt/review of Order of Acquittal/Dismissal	0.10	
DWG Receipt/review of Motion and Order for Discharge from Probation	0.10	
DWG Receipt/review of Motion and Order for Discharge from Probation	0.10	
10/18/2016 DWG Prosecute morning docket of Pretrial Conferences and Pre-Formal Hearing Conferences	1.70	

		<u>Hours</u>	<u>Amount</u>
10/18/2016	DWG Conference with L. Ladner and T. Wilhelm regarding notification from State regarding status of Defendant's barrier free application	0.30	
	DWG Receipt/review of Motion and/or Order to Show Cause	0.10	
	DWG Receipt/review of Acquittal/Dismissal	0.10	
	DWG Receipt/review of Motion and Order for Discharge from Probation	0.10	
	DWG Receipt/review of Notice to Appear	0.10	
	DWG Receipt/review of Sentencing Order	0.10	
	DWG Receipt/review of Motion and/or Order to Show Cause	0.10	
	DWG Receipt/review of email from Defendant to D. Smith regarding status of barrier free application	0.20	
10/19/2016	DWG Receipt/review of Notice to Appear	0.10	
	DWG Receipt/review of Judge Reeds' 10/26/16 docket	0.10	
	DWG Correspondence to Det. J. Tomanek denying warrant request	0.40	
10/20/2016	DWG Prosecute morning docket of Pretrial Conferences	2.00	
	DWG Receipt/review of Notice to Appear	0.10	
	DWG Receipt/review of Notice to Appear	0.10	
	DWG Receipt/review of Judgment of Sentence	0.10	
	DWG Receipt/review of Order of Acquittal/Dismissal	0.10	

	<u>Hours</u>	<u>Amount</u>
10/20/2016 DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Notice to Appear	0.10	
DWG Receipt/review of Order of Acquittal/Dismissal	0.10	
DWG Receipt/review of Motion and Order for Discharge from Probation	0.10	
DWG Receipt/review of Notice to Appear	0.10	
DWG Receipt/review of Notice to Appear	0.10	
DWG Receipt/review of Motion and Order for Discharge from Probation	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Order of Acquittal/Dismissal	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Motion and/or Order to Show Cause	0.10	
DWG Receipt/review of Motion and Summons Regarding Probation Violation	0.10	
DWG Receipt/review of Judgment of Sentence (15-3224)	0.10	

	<u>Hours</u>	<u>Amount</u>
10/20/2016 DWG Receipt/review of Judgment of Sentence	0.10	
DWG Preparation of Subpoenas for 11/22/16 Bench Trial; Correspondence to _____ regarding Subpoenas and adjournment of 11/17/16 trial date	0.40	
DWG Correspondence to Defendant's Attorney A. Jalkanen with supplemental report regarding interview of victim	0.30	
10/21/2016 DWG Receipt/review of Order of Acquittal/Dismissal	0.10	
DWG Receipt/review of Judgment of Sentence	0.10	
DWG Receipt/review of Order Closing Case	0.10	
DWG Receipt/review of Order Closing Case	0.10	
DWG Receipt/review of Motion and Order for Discharge from Probation	0.10	
DWG Receipt/review of Motion and Order for Discharge from Probation	0.10	
DWG Receipt/review of Notice to Appear	0.10	
DWG Receipt/review of Acquittal/Dismissal	0.10	
DWG Receipt/review of Sentencing Order	0.10	
10/25/2016 DWG Receipt/review of Judge Bondy's 10/31/16 docket	0.10	
DWG Receipt/review of Judge Law's 10/31/16 docket	0.10	
DWG Receipt/review of Judge Reeds' 10/31/16 docket	0.10	

	<u>Hours</u>	<u>Amount</u>
10/25/2016 DWG Receipt/review of Notice to Appear	0.10	
DWG Receipt/review of Notice to Appear	0.10	
DWG Legal research regarding possession of stun gun	0.30	
10/26/2016 DWG Receipt/review of email from _____ with supplemental report	0.20	
DWG Receipt/review Judge Bondy's 11/1/16 docket	0.10	
DWG Receipt/review Judge Law's 11/1/16 docket	0.10	
DWG Receipt/review Judge Reeds' 11/1/16 docket	0.10	
DWG Receipt/review Judge Bondy's 11/2/16 docket	0.10	
DWG Receipt/review Judge Law's 11/2/16 docket	0.10	
DWG Receipt/review Judge Reeds' 11/2/16 docket	0.10	
10/27/2016 DWG Receipt/review Judge Bondy's updated 11/1/16 docket	0.10	
DWG Receipt/review Judge Law's updated 11/1/16 docket	0.10	
DWG Receipt/review Judge Reeds' updated 11/1/16 docket	0.10	
10/28/2016 DWG Receipt/review Judge Batchik's 11/3/16 docket	0.10	
DWG Receipt/review Judge Bondy's 11/3/16 docket	0.10	
DWG Receipt/review Judge Law's 11/3/16 docket	0.10	
DWG Telephone conference with 52/1 District Court (_____) regarding issuance of citation for possession of firearm while under the influence	0.20	
DWG Receipt/review Motion and Order for Discharge from Probation	0.10	

	<u>Hours</u>	<u>Amount</u>
10/28/2016 DWG Receipt/review Motion and/or Order to Show Cause	0.10	
DWG Legal research regarding possession of a stun gun; Preparation of email correspondence to Lt. _____ regarding same	0.30	
DWG Preparation of Subpoenas for 12/1/16 Evidentiary Hearing	0.20	
DWG Receipt/review Judge Bondy's updated 11/1/16 docket	0.10	
DWG Receipt/review Judge Law's updated 11/1/16 docket	0.10	
DWG Receipt/review Judge Reeds' updated 11/1/16 docket	0.10	
10/31/2016 DWG Receipt/review Notice of 11/29/16 forensic evaluation	0.20	
DWG Receipt/review Appearance and Request for Discovery	0.20	
DWG Correspondence to _____ with Subpoenas for 12/1/16 Evidentiary Hearing	0.20	
DWG Receipt/review 11/1/16 arraignment docket	0.10	
DWG Receipt/review Judge Bondy's updated 11/1/16 docket	0.10	
DWG Receipt/review Judge Law's updated 11/1/16 docket	0.10	
DWG Receipt/review Judge Reeds' updated 11/1/16 docket	0.10	
SUBTOTAL:	[ 26.50	]
<u>Elections</u>		
10/6/2016 TSW Attend Election Commission meeting	0.30	

		<u>Hours</u>	<u>Amount</u>
10/27/2016	TSW Attend public accuracy testing of election machines	1.50	
SUBTOTAL:		[ 1.80	]

Fibertech

10/12/2016	TSW Continued research for Letter to City Manager regarding Fibertech request for approval of DAS	0.40	
10/14/2016	TSW Continued research regarding regulations applicable to small cell and distributed antenna systems and licensing agreement issues	2.70	
10/18/2016	TSW Continued review of City Ordinances regarding regulations on use of right of way and applicability zoning ordinance	1.80	
10/19/2016	TSW Continued research regarding wireless facilities in city rights-of-way and licensing agreement and design criteria	1.20	
10/31/2016	GLD Fibertech ROW: Receipt/review correspondence from J. Newkirk regarding license approval request	0.20	
SUBTOTAL:		[ 6.30	]

General City Attorney Work

10/2/2016	TSW Receipt/review correspondence from Planning Consultant regarding auto repair use in I-1 district	0.10	No Charge
10/3/2016	TSW Receipt/review correspondence from City regarding South Lyon Hotel status and process	0.20	
	TSW Continued preparation of ACH Policy and resolution allowing electronic transactions	0.80	
	TSW Correspondence to and from city auditor regarding revised ACH policy	0.20	



			<u>Hours</u>	<u>Amount</u>
10/3/2016	TSW	Begin preparation of agenda note for resolutions to allow acceptance of credit card payments	0.90	
	TSW	Telephone conference with City regarding shared leave program and potential tax impacts; Receipt/review correspondence from Auditor regarding same	0.20	
	TSW	Legal research regarding authority to establish employee voluntary leave sharing program	0.70	
	TSW	Correspondence to and from R Malone regarding revisions to Point and Pay Agreement	0.20	
	TSW	Review Point and Pay E-Payment Services Agreement and begin preparation agenda note; review of bid process requirements in City Code	0.50	
10/4/2016	TSW	Continued preparation of Agenda Notes for resolutions authorizing city to accept payments by credit card and authorizing electronic and ACH transactions and Point and Pay, LLC E-Payment Services Agreement	1.10	
	TSW	Continued preparation of ACH policy to address auditor comments	0.30	
	TSW	Correspondence to City Manager and Treasurer regarding credit card payment resolutions and agreements	0.10	
	TSW	Telephone conference with City Manager regarding shared leave program and investigation regarding same	0.50	
	TSW	Correspondence to and from City Manager, Planner and Economic Development Director regarding South Lyon Hotel site plan review and approval requirements	0.20	
10/5/2016	TSW	Review Commercial Rehabilitation Act and research regarding commercial rehabilitation districts and tax exemptions	1.40	
	TSW	Multiple correspondence to and from City Manager regarding Pullum Windows and sewer line; research regarding Pullum Windows property and utility easements	0.80	

		<u>Hours</u>	<u>Amount</u>
10/5/2016	TSW Receipt/review correspondence from T Jones at Oakland County Equalization regarding poverty exemption policy and application	0.40	
10/6/2016	TSW Meeting with Bookkeeper regarding ACH policy	0.10	
	TSW Revise and edit ACH policy and correspondence to City regarding same	0.20	
	TSW Conference with City Manager regarding Point and Pay agreement and related resolutions	0.10	
	TSW Telephone conference with Economic Development Director regarding tax incentive and abatement policies and guidelines	0.30	
	TSW Continued research regarding Employee shared leave program and policy	0.50	
10/7/2016	TSW Continued review of Assessor comments and revisions to poverty exemption resolution and application	1.00	
	TSW Investigation regarding 1092 Paddock inquiry regarding deck and Lexington Place Planned Development and site plan	0.60	
	TSW Meeting with Planning Consultant regarding request for variance from sign ordinance	0.30	
	TSW Meeting with Planning Consultant regarding conditional rezoning request	0.30	
	TSW Receipt/review of multiple correspondence from Developer regarding access easement and Planned Development Agreement	0.30	
10/10/2016	TSW Continued legal research regarding emergency authority relating to dangerous buildings	1.40	
	TSW Telephone conference with City Manager regarding SLSQ, Knolls, personnel matter, Thomasville	0.70	

		<u>Hours</u>	<u>Amount</u>
10/10/2016	TSW Legal research regarding Commercial Rehabilitation Act and eligibility requirements and policy guidelines	1.30	
10/11/2016	TSW Continued research regarding shared leave programs and tax implications	1.20	
	TSW Review Code of Ordinance Sections 34-61 through 34-63 establishing economic development corporation and review LARA corporate records	0.20	
	TSW Legal research regarding legal impacts of sponsorship program and effect of displaying donor names and logos on city assets or website	0.80	
	TSW Review new medical marihuana licensing acts	1.00	
10/12/2016	TSW Receipt/review of revised fee schedule from City Manager; review ordinances requiring fees to be set	0.50	
	TSW Continued review of Public Acts 281, 282 and 283 relating to new medical marihuana legislation	0.70	
	TSW Receipt/review correspondence from City Manager regarding lot split question	0.20	
	TSW Review of City's land division ordinance and research regarding land division act	1.50	
10/13/2016	TSW Review OCE comments on poverty exemption resolution and application; legal research regarding same	2.30	
	TSW Continued research regarding code enforcement matter, dangerous building ordinance, IPMC ordinance and emergency authority	1.20	
	TSW Telephone conference with City Manager regarding lot split issue	0.30	
10/14/2016	TSW Continued research regarding City's authority to take emergency measures relating to a dangerous building	0.50	

		<u>Hours</u>	<u>Amount</u>
10/14/2016	TSW Research regarding Medical Marihuana Facilities Licensing Act	2.20	
10/17/2016	TSW Telephone conference with West Bloomfield Police Chief regarding shared leave program and collective bargaining agreement	0.40	
	TSW Telephone conference with City Manager regarding Comcast cable installation request	0.20	
	TSW Telephone conference with City Manager regarding health insurance renewal	0.10	
	TSW Research regarding City's cable communications ordinance, telecommunications ordinance, streets and right of way ordinance; review Uniform Video Service Franchise Act and METRO Act	2.40	
	TSW Receipt/review of multiple correspondence from Economic Development Director, Building Official and City Manager regarding code enforcement and emergency authority	0.20	
	TSW Telephone conference with City Engineer regarding right of way construction permits	0.10	No Charge
	TSW Telephone conference with DPW Director regarding right of way construction permit process	0.10	
	TSW Multiple correspondence to and from City Manager regarding Comcast and video services franchise agreement and request to install additional cable facilities	0.80	
	TSW Telephone conference with Assessor regarding poverty exemption resolution and application	0.10	No Charge
	TSW Telephone conference with MMRMA regarding risk transfer mechanisms and environmental coverage	0.20	
	TSW Receipt/review correspondence from Planning Consultant regarding conditional rezoning	0.10	

		<u>Hours</u>	<u>Amount</u>
10/18/2016	TSW Telephone conference with DPW Director regarding city documents regarding remediation of 128 S. Lafayette	0.10	
	TSW Telephone conference with City Engineer regarding Comcast cable installation and Fibertech DAS and permitting procedures and requirements	0.20	
	TSW Receipt/review correspondence from City Clerk regarding Comcast uniform video services franchise agreement	0.20	
	TSW Meeting with City Manager regarding Comcast request to install cable facilities in right-of-way	0.50	
	TSW Meeting with City Manager regarding status of Grande Trunke code violations and compliance and status of waiver request from State	0.60	
	TSW Meeting with City Manager regarding shared leave program issues	0.20	
	TSW Meeting with City Manager regarding conditional rezoning application	0.20	
	TSW Meeting with City Manager regarding medical marihuana licensing act	0.30	
	TSW Meeting with City Manager regarding status of dangerous buildings and related issues	0.30	
	TSW Receipt/review correspondence from Economic Development Director regarding Grande Trunke	0.10	
	TSW Meeting with City Manager regarding school resource officer	0.10	No Charge
	TSW Meeting with City Manager regarding point and pay agreement and related issues	0.10	
	TSW Meeting with City Manager regarding Volunteer Park maintenance agreement	0.10	

		<u>Hours</u>	<u>Amount</u>
10/19/2016	TSW Review Volunteer Park Maintenance Agreement	0.20	No Charge
	TSW Review City Charter regarding contract authority	0.10	No Charge
	TSW Receipt/review correspondence from City Assessor regarding Michigan Treasury Bulletin setting 2017 poverty guidelines	0.10	
	TSW Receipt/review correspondence from Planning Consultant and applicant regarding conditional rezoning	0.10	
	TSW Multiple correspondence to and from City Manager regarding revised city fee schedule	0.30	
	TSW Multiple correspondence to and from City Manager regarding city fee schedule	0.30	
	TSW Correspondence to City Manager regarding Comcast request to install cable facilities in city rights of way	0.20	
10/20/2016	TSW Correspondence to and from Planning Consultant regarding South Lyon Hotel	0.10	
10/21/2016	TSW Research regarding First Amendment issues relating to proposed city sponsorship program	1.00	
	TSW Continued research regarding small cell and other wireless facilities in public rights-of-way and legal issues	1.40	
	TSW Receipt/review correspondence from Planning Consultant regarding South Lyon Hotel site plan review	0.40	
10/23/2016	TSW Review Zoning Ordinance regarding nonconformities relating to Planning Consultant request regarding South Lyon Hotel	0.90	
10/24/2016	TSW Revise poverty exemption policy guidelines and application and agenda note	0.50	
	TSW Correspondence to City Assessor regarding revised poverty exemption policy and application	0.20	

		<u>Hours</u>	<u>Amount</u>
10/24/2016	TSW Telephone conference with Council Member Kivell regarding status of building and code enforcement matter	0.20	No Charge
	TSW Receipt/review correspondence from City Manager regarding letter from RCOC regarding wireless facilities in right-of-way	0.20	
	TSW Begin preparation of correspondence to City Manager regarding shared leave program	0.30	
	TSW Research regarding corruption investigation involving City solid waste hauler	0.90	
10/25/2016	TSW Correspondence to Council regarding Solid Waste Hauler Agreement and corruption investigation	0.20	
	TSW Review conditional rezoning provisions in Zoning Enabling Act, materials from Planning Consultant and case law	1.00	
10/26/2016	TSW Telephone conference with Planning Consultant regarding conditional rezoning, South Lyon Hotel, Thomasville, South Lyon Square, Knolls; and zoning ordinance amendments	0.10	
	TSW Correspondence to Planning Consultant regarding nonconformities at South Lyon Hotel	0.30	
	TSW Telephone conference with H Cole at State of Michigan regarding commercial rehabilitation tax exemptions	0.10	No Charge
10/27/2016	TSW Attend meeting with C Pullum and City Manager regarding site development	0.70	
	TSW Receipt/review correspondence from City Manager regarding Rizzo Environmental and information from RRRASOC	0.50	
	TSW Receipt/review correspondence from Economic Development Director regarding code enforcement matter	0.20	

		<u>Hours</u>	<u>Amount</u>
10/27/2016	TSW Receipt/review correspondence from Economic Development Director regarding code enforcement matter	0.20	
10/28/2016	TSW Continued research regarding Rizzo Environmental transaction with GFL Environmental	0.70	
	TSW Continued research regarding Rizzo Environmental involvement in FBI corruption investigation	0.50	
	TSW Telephone conference with M Csapo at RRRASOC regarding Rizzo Environmental	0.30	
	TSW Multiple correspondence to and from M Csapo at RRRASOC regarding Rizzo Environmental	0.80	
	TSW Continued review of Commercial Rehabilitation Act; correspondence to Economic Development Director regarding Commercial Rehabilitation tax exemption; telephone call with H Cole at State of Michigan regarding Commercial Rehab	1.10	
	TSW Preparation of draft resolutions for establishing commercial rehabilitation district and approving application and criteria	0.80	
	TSW Receipt/review correspondence from Fire Chief regarding Pullum Windows	0.20	
	TSW Review Freedom of Information Act request to Police Dept	0.10	
	TSW Receipt/review correspondence from City regarding Michigan Air Quality NESHAP program	0.30	
	TSW Review correspondence from GFL regarding Rizzo transaction and effect on assignment provision of Solid Waste Agreement	0.40	
	CHY Freedom of Information Act: Telephone conference with Lt. Sovik regarding pending Freedom of Information Act from WDIV	0.20	



		<u>Hours</u>	<u>Amount</u>
10/28/2016	CHY Freedom of Information Act: Review of media reports regarding pending Freedom of Information Act and Taco Bell incident	0.20	
10/31/2016	TSW Research regarding asbestos and lead abatement in building demolition and Michigan Building Code requirements relating to demolition permits; review DEQ requirements for demolitions; telephone conference with City Manager regarding demolition	1.60	
	TSW Continued research regarding legal issues relating to sponsorships for city events and programs	1.30	
	TSW Continued research regarding Rizzo Environmental and transaction with GFL and FBI corruption investigation	0.60	
	TSW Review legal opinion from Rizzo attorney regarding transaction with GFL and assignment provision in solid waste removal agreement	0.40	
	TSW Review wireless communication facilities information	0.30	
	TSW Telephone conference with City Manager regarding demolition of South Lyon Hotel and site plan and other reviews, sponsorships, Thomasville, Rizzo and garbage hauler agreement and council agenda	0.30	
	SUBTOTAL:	[ 56.80	]
	<u>Glen Meadows</u>		
10/3/2016	TSW Receipt/review signed warranty deed and bill of sale for roads and utilities in Glen Meadows	0.10	
10/19/2016	TSW Review, preparation and record Glen Meadows Warranty Deed relating to road and utility dedication	0.50	
10/20/2016	TSW Preparation/recording Warranty Deed for road dedication	0.30	

		<u>Hours</u>	<u>Amount</u>
10/20/2016	TSW Correspondence to Clerk regarding warranty deed and bill of sale for Glen Meadows road and utility dedication	0.10	
10/24/2016	TSW Correspondence to Clerk regarding Glen Meadows warranty deed for dedication of roads and utilities	0.30	
SUBTOTAL:		[ 1.30	]
<u>Housing Commission</u>			
10/18/2016	TSW Telephone conference with B. Beale regarding South Lyon Housing Commission and review housing commission file	0.20	
10/19/2016	TSW Telephone conference with B Beale regarding issues relating to Housing Commission RAD conversion	0.30	
	TSW Receipt/review correspondence from B. Beale regarding RAD conversion and title issues	0.40	
10/20/2016	TSW Review document related to Housing Commission RAD conversion and deeds	1.10	
	TSW Correspondence to and from Housing Commission Director regarding RAD conversion documents and HUD position	0.30	
	TSW Review document relating to Housing Commission RAD conversion and deeds	1.10	
10/21/2016	TSW Review title records and deeds and declaration of trust for South Lyon Housing Commission	0.70	
	TSW Telephone conference with HUD representative regarding South Lyon Housing Commission RAD conversion	0.10	No Charge
10/25/2016	TSW Telephone conference with A Shaughnessy at HUD regarding South Lyon Housing Commission RAD conversion; Receipt/review correspondence from same regarding title and ownership requirements for RAD conversion	0.40	

		<u>Hours</u>	<u>Amount</u>
10/25/2016	TSW Legal research regarding RAD conversion requirements	0.70	
	TSW Correspondence to B Beale, Housing Commission Manager regarding information from HUD on RAD conversion	0.10	
	SUBTOTAL:	[ 5.40	]
	<u>Knolls</u>		
10/2/2016	TSW Research regarding builders acquisition of units in Knolls	0.70	
	TSW Review revised cost estimates for improvements to be completed.	0.20	
	TSW Continued preparation of Agreement for Completion of Improvements in Knolls	1.60	
10/3/2016	TSW Continued preparation of revised agreement for completion of improvements in Knolls, including successor owners and builders	1.20	
	TSW Multiple telephone conferences with City Manager regarding Knolls completion agreement and issues for special council meeting	0.60	
	TSW Correspondence to R Cook regarding draft completion agreement for Knolls	0.20	
	TSW Begin revisions to Completion Agreement for Knolls per special meeting discussion	0.40	
10/4/2016	TSW Telephone conference with Fire Chief regarding propane for pump station backup generator	0.10	
	TSW Revise Agreement for Completion of Improvements for Phase 1 of Knolls per Council motion	1.40	
	TSW Correspondence to and from City Manager regarding Knolls completion agreement and revisions	0.30	

		<u>Hours</u>	<u>Amount</u>
10/4/2016	TSW Correspondence to Developer regarding revised completion agreement for Knolls	0.20	
	TSW Correspondence to and from Building Official regarding building permits status	0.20	
	TSW Telephone conference with City Manager regarding Knolls completion agreement	0.20	
10/5/2016	TSW Telephone conference with City and Receipt/review correspondence from City Manager regarding Knolls building permits	0.10	
	TSW Telephone conference with and correspondence to and from Developer regarding Knolls completion agreement	0.20	
10/10/2016	TSW Telephone conference with Building Inspector regarding Knolls Completion Agreement and Building Permits	0.10	
	TSW Correspondence to and from Planning Commission Chair and Planning Consultant regarding Knolls issues	0.30	
	SUBTOTAL:	[ 8.00	]
	<u>Lexington Place</u>		
10/11/2016	TSW Continued review of Lexington Place development and condominium documents relating to resident request for deck and procedures to deviate from Planned Development, site plan and master deed restrictions	0.40	
	TSW Correspondence to City Manager regarding Lexington Place deck issue	0.30	
	SUBTOTAL:	[ 0.70	]

		<u>Hours</u>	<u>Amount</u>
<u>Ordinance Amendment</u>			
10/3/2016	TSW Research regarding licensing under City Code; revise and edit business registration ordinance amendment to eliminate fee	0.30	
10/5/2016	TSW Correspondence to City Manager regarding revised business registration ordinance for second reading and information for agenda note	0.10	
SUBTOTAL:		[ 0.40	]
<u>Personnel</u>			
10/10/2016	TSW Receipt/review correspondence from City Manager regarding personnel issue and applicability of collective bargaining agreement	0.10	
10/11/2016	TSW Legal research regarding personnel issue and review of documents from City Manager and correspondence to City Manager regarding personnel matter	0.60	
	DAK Review of Personnel Manual; Edit/revise proposed disciplinary action memo prepared by City Manager	0.60	
10/12/2016	TSW Correspondence to and from City Manager regarding personnel matter	0.50	
SUBTOTAL:		[ 1.80	]
<u>Planning Commission</u>			
10/6/2016	TSW Receipt/review Planning commission packet	0.10	
10/12/2016	TSW Receipt/review correspondence from Planning Director regarding public hearing notice for West End Industrial rezoning	0.10	No Charge

		<u>Hours</u>	<u>Amount</u>
10/13/2016	TSW Attend Planning Commission meeting	2.20	
SUBTOTAL:		[ 2.40	]
<u>Poverty Exemptions</u>			
10/6/2016	SSM Analysis regarding proposed changes from OCED; memo regarding same	0.80	
10/13/2016	SSM Analysis regarding OCED comments on new policy	0.60	
10/18/2016	TSW Telephone conference with Assessor regarding poverty exemption resolution and application	0.20	
SUBTOTAL:		[ 1.60	]
<u>South Lyon Square</u>			
10/4/2016	TSW Receipt/review correspondence from City Manager regarding South Lyon Square status	0.10	No Charge
10/5/2016	TSW Multiple correspondence to and from Planning Consultant and City Manager regarding scheduling a meeting with South Lyon Square	0.10	
	TSW Begin preparation of completion agreement form	0.40	
10/6/2016	TSW Multiple correspondence to and from opposing counsel regarding South Lyon Square meeting and unfinished SLU conditions	0.30	
	TSW Preparation of and send draft form completion agreement to opposing counsel	0.40	
	TSW Attend meeting between City and South Lyon Square regarding performance guarantees and completion agreement	3.00	

		<u>Hours</u>	<u>Amount</u>
10/7/2016	TSW Receipt/review correspondence from B Najor regarding costs estimates and schedule for completion of improvements	0.10	
	TSW Attend meeting between City and South Lyon Square regarding performance guarantees and completion agreement	2.40	
	TSW Preparation of completion agreement for South Lyon Square	1.80	
	TSW Continued preparation of Completion Agreement for South Lyon Square	1.00	
10/10/2016	TSW Telephone conference with Building Inspector regarding South Lyon Square parking lot and improvements	0.30	
	TSW Telephone conference with City Engineer regarding parking lot paving cost estimate and completion agreement issues	0.30	
	TSW Multiple correspondence to and from City Manager regarding SLSQ issues relating to completion agreement	0.80	
	TSW Continued preparation of completion agreement for South Lyon Square	1.60	
	TSW Correspondence to opposing counsel regarding draft completion agreement for South Lyon Square	0.10	
10/12/2016	TSW Telephone conference with City Manager regarding status of South Lyon Square development and completion of conditions on special land use	0.40	
	TSW Telephone conference with and correspondence to and from opposing counsel regarding status and completion agreement	0.10	
10/13/2016	TSW Telephone conference with opposing counsel regarding South Lyon Square and status of site improvements and completion agreement	0.30	

		<u>Hours</u>	<u>Amount</u>
10/13/2016	TSW Telephone conference with City Manager regarding status of South Lyon Square project	0.30	
	TSW Receipt/review email from Building Inspector regarding South Lyon Square Project	0.10	
	TSW Receipt/review email from City Engineer regarding paving inspection and testing	0.10	
10/17/2016	TSW Receipt/review of multiple correspondence from City Manager and Building Official regarding status of SLSQ improvements	0.20	
10/31/2016	TSW Receipt/review of multiple correspondence from Planning Consultant and B Najor regarding landscape plan	0.10	No Charge
SUBTOTAL:		[ 14.30	]

Thomasville Site Condo

10/5/2016	TSW Telephone conference with L. Cavaliere regarding Thomasville Planned Development Agreement and reciprocal access easement	0.70	
	TSW Correspondence to City regarding discussion with Developer and status of Thomasville Planned Development Agreement	0.20	
10/6/2016	TSW Telephone conference with and Receipt/review correspondence from Developer regarding Thomasville Planned Development Agreement	0.10	
10/17/2016	TSW Telephone conference with Developer regarding cross access easement for Thomasville development	0.10	No Charge
10/20/2016	TSW Review status and correspondence to and from Planning Consultant regarding Thomasville approvals	0.10	



		<u>Hours</u>	<u>Amount</u>
10/26/2016	TSW Correspondence to L Cavaliere regarding Thomasville and planned development agreement and master deed	0.10	
10/27/2016	TSW Telephone conference with L Cavaliere regarding status of Thomasville development and planned development agreement	0.10	No Charge
10/31/2016	TSW Telephone conference with L Cavaliere regarding status of Thomasville development approvals, Planned Development Agreement, site plan and master plan	0.20	
SUBTOTAL:		[ 1.60	]

Zoning Board of Appeals

10/20/2016	TSW Attend Zoning Board of Appeals meeting	0.60	
SUBTOTAL:		[ 0.60	]

For professional services rendered	137.50	\$16,506.00
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Additional charges:

Qty/Price

General City Attorney Work

10/14/2016	Photocopies - Emergency Repair	20	\$4.00
		\$0.20	\$4.00
SUBTOTAL:		[	\$4.00]

Glen Meadows

10/19/2016	Oakland County Register of Deeds - Certification & Recording of Warranty Deed	1	\$35.00
		\$35.00	\$35.00

	<u>Qty/Price</u>	<u>Amount</u>
10/24/2016 Photocopies - Warranty Deed and Bill of Sale	32	\$6.40
	\$0.20	\$6.40
		<hr/>
SUBTOTAL:		[ \$41.40]
		<hr/>
Total costs		\$45.40
		<hr/>
Total amount of this bill		\$16,551.40
Previous balance		\$12,088.81
10/27/2016 Payment - thank you. Check No. 70301		(\$12,088.81)
		<hr/>
Balance due		\$16,551.40
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Please include your Invoice Number on your payment. All payments should be mailed to the Farmington Hills' office listed above. Thank you.

Monthly flat fee of \$9,000.00 for first 80 hours of work. Anything over 80 hours to be billed at the hourly rate of \$135.00