



CITY OF BURTON
BURTON CITY COUNCIL MEETING
AUGUST 2, 2021
AGENDA

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

A. INVOCATION LED BY: VAUGHN SMITH

B. THE PLEDGE OF ALLEGIANCE IS LED BY: VAUGHN SMITH

C. ROLL CALL

D. APPROVAL OF AGENDA

E. STAFF PRESENT

F. APPROVAL OF MINUTES

1. City Council - Public Hearing - Jul 19, 2021 6:30 PM
2. City Council - Regular Meeting - Jul 19, 2021 7:00 PM

G. ADMINISTRATIVE REPORTS

H. COMMITTEE REPORTS

I. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Burton City Council. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

J. COUNCIL DISCUSSION

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 7/14/21 to 7/27/21 in the amount of \$5,890.00.
2. Approve and authorize the Mayor and Clerk to enter into an agreement with Stantec Consulting Michigan Inc., 3754 Ranchero Drive, Ann Arbor, MI 48108-2771 to complete the preliminary engineering, design and plan preparation phases of the 2021 State Revolving Fund for improvements Phase 2 to the City of Burton's Sanitary Sewer System at a cost not to exceed \$196,500.

3. Approve and Authorize the resolution that the City of Burton deems all that part of Rose Avenue lying within the recorded plat of Country Gardens adjoining lot 17 on the North unnecessary for public use and approves vacating.
4. Approve and authorize the Mayor and City Clerk to execute a contract with ACE Saginaw Paving Co. 115 S. Averill Ave., Flint, MI 48506, for the 2021 Pavement Preservation contract which will include the Milling and Resurfacing of Center Road from Atherton to Maple and McLaren Ave from Columbine to Fern, for the Not-to-Exceed fee of \$770,242.00
5. Approve and authorize the Mayor and City Clerk to execute a contract with RW Mercer P.O. Box 180 2322 Brooklyn Rd. Jackson, MI 49204, for the removal of underground fuel tanks at the DPW and the Police Department and the install of new aboveground fuel tanks, for the Not-to-Exceed fee of \$219,999.
6. Budget Amendment Approve and authorize the following 2021-2022 budget amendment: Increase 2007-2007-975.0002 Gasoline Storage Tank by \$85,000; Decrease Police Fund Balance by \$85,000.
7. Budget Amendment Approve and authorize the following 2021-2022 Capital Expenditure Amendment: Increase DPW Gasoline Storage Tank by \$71,000; Decrease General Fund Balance by \$71,000.

Agendas and minutes may be found at www.burtonmi.gov



CITY OF BURTON
BURTON CITY COUNCIL MEETING
JULY 19, 2021
MINUTES

Council Chambers

Public Hearing

6:30 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 6:30 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Late	6:45 PM
Deborah K Walton	Councilwoman	Present	
Christina Conley	Councilwoman	Present	

B. PRESENTATION

Mrs. Abbey stated the property in question is just north of 3273 Connecticut. We received a petition by the applicant, Jonathan Shaski to vacate an unapproved right of way. I provided the council with a map. It is 40 feet north of his property. The city has no public use for it. The properties across the street were vacated in 1990 as you see on the map. We recommend approval.

C. OPEN PUBLIC HEARING

THIS IS THE TIME FIXED FOR HEARING AND CONSIDERING ANY COMMENTS TO THE VACATING UNDER CONSIDERATION, TO-WIT:

Vacating all that part of Rose Avenue lying within the recorded plat of Country Gardens adjoining lot 17 on the North.

Steven Hendrickson, 3237 Connecticut Street stated I own 36 acres east of Rose Avenue. This is access to my property. There are two pieces of property there that are 80 feet wide. If you eliminate one of them, that limits the future development of the property. If this property was to be developed at a future date, it would be a benefit to the city. You could put one house or a whole subdivision back there. I have access to my home but if I wanted to build something on the rest of my property, I will need access. There may be access to my property at the end of Long Street but it is unclear. The title company will not guarantee the description of the property as it is listed with the city because they are two different descriptions. It has not been surveyed. If the city feels the property is not worth keeping as a right of way, I have been helping maintain it until 2019 when Mr. Shaski got a riding lawn mower and began mowing it. I am the only one that has a benefit from the property besides the city for future development. There is a road going through the property and there is a reason the developers put it there. It was for future development on the property directly to the west of it. In 2017, I inquired about buying this property and was told it wasn't for sale and I could not buy it. Other land owners that bordered it

were told the same thing when they inquired about buying it. If it is a burden to the City of Burton, I will be happy to take the property and maintain it. Mr. Shaski has no reason for taking over the property. I am the dominant beneficiary of the property and think it should be maintained for the future of the City of Burton.

Jonathan Shaski, 3273 Connecticut Street stated I have been there since 2015 maintaining the property. I have two big dogs who love to run. The property adjoins directly to my property. I checked with the city and there is another access point to Mr. Hendrickson's property on Long Street. I have maintained it for six years and already feel it is a part of my own property.

D. CLOSE PUBLIC HEARING

E. AGENDA ITEMS

Mr. Smith asked the administration what the benefits and negatives are for the city regarding this property.

Mrs. Abbey stated we have quite a few unapproved right of ways throughout the city that were future roads that were never developed. Throughout the years, you have seen vacating petitions. According to our ordinance, when a vacating petition is given, it is done based on everyone in that plat who is adjoining the property. In this particular case, the northern portion of the property is the end of the plat therefore, the only person who has the right to the property when vacated is 3273 Connecticut which is Mr. Shaski's property. No other person can purchase this. It is not a parcel of land, it is an unapproved right of way that can be vacated by ordinance. It would be absorbed by Mr. Shaski and paid for through his land taxes.

Mr. Smith asked for the history of 3249 Connecticut which is the city owned property adjacent to this property.

Mrs. Abbey stated that is not part of this application. I gave it to you for a reference. It is a 40 foot wide parcel of land that we will probably have to keep because it has a portion of the road that we own with it. I can't tell you the history or how it came to be what it is. There would be no reason to give this property away or sell the parcel due to the road going through it.

Mr. Smith stated the benefit to the city would be that the property would be taken care of and we would have the additional property taxes, correct?

Mrs. Abbey said, that is correct.

Mrs. Walton asked if the land would become one parcel number if approved.

Mrs. Abbey stated yes, it would be combined.

Mr. Heffner asked if Mr. Hendrickson would still have a way to enter his property.

Mrs. Abbey said, yes. There is 60 feet of right of way at the dead end of Long Street that adjoins his property as well as the city's 40 feet that contains the portion of the road. He has two different options for access. He also has a parcel that adjoins it, so he has access there.

Mr. Heffner asked if Mr. Hendrickson can buy the other half of it.

Mrs. Abbey stated he is two houses away from it. We would be giving up our road if we sold him that parcel.

Mr. Abbey asked the City Attorney if it is possible to split the lot that we own next to the property.

Attorney Doyle stated without knowing more about it, I can't give you a definite answer. We would need some help from the Assessor. Mrs. Abbey and I can sit down and take a look at the history. As long as we retain the street, I am sure it could be possible.

Mr. Abbey asked, what if we sold a portion of it from the road access back to his parcel and he combined it with his existing 36 acres?

Attorney Doyle stated it may be something as simple as an easement through the city property.

Mrs. Abbey stated if we gave it to him as an easement, we would be fine but if not, we would have to offer it for sale and that would likely require a bid in this situation.

Discussion ensued regarding Long Street frontage and details of Mr. Hendrickson's property.

Mr. Martinbianco would like the City Attorney and Mrs. Abbey to get together and discuss this. This is not only a complex issue but a precedence setter. We need a recommendation. I would like to make a motion to table this issue.

Mr. Heffner stated this is a public hearing. You can't do that.

Mrs. Conley stated Mr. Hendrickson stated he approached the city to buy the property and nothing ever got done and tonight we want to give the property away. That doesn't make sense.

Mrs. Abbey stated this is not a parcel of land. You can't sell it. It is an unapproved right of way. You can only vacate it. By our ordinance, the only person who has a right to that property is the person within the subdivision and that is only 3273 Connecticut. If you did nothing, he still can't get the property legally by our ordinance. It is not a parcel of land.

Mr. Martinbianco stated that's not true of the parcel to the north.

Mrs. Abbey stated we are only here to talk about the vacating. The parcel to the north is not on this petition. The petition is to vacate 40 feet of unapproved right of way, that's it.

Mr. Fenner stated I have gone through the vacating process with one of my businesses so I do understand how it works. In my situation, half of the property went to the residential neighbor and half went to my business. The ordinance is pretty cut and dry. There is no other property adjoining this land. He is asking that it be vacated. The other two pieces of land were already vacated. They were not sold, they were vacated. I feel for Mr. Hendrickson that he is in this dilemma. We are not violating our ordinance but following our ordinance by vacating this. It would be setting a precedence by not vacating this property.

Mr. Heffner stated I think you missed the part about his 36 acres being land locked if he can't access it.

Mr. Fenner stated I thought the administration addressed that and he can access it.

Mr. Heffner stated there was an issue regarding his access on Long Street. That is why we think we need to talk about this a little more.

Mr. Fenner asked, who would answer this question for us?

Mrs. Abbey stated I have the plat right here and it shows he has it.

Mr. Fenner stated if that is not a definitive answer about his access off of Long Street, I don't know what would be.

Mr. Smith stated I like the idea of discussing the option for an easement. Can the administration come back to us to let us know how that works out?

Mrs. Abbey stated that is the property to the north that the city owns. We can try to work out a deal with him and the council would have to approve the easement anyway.

Mr. Wells stated these things are never easy. It seems like we never get the full story. We are in court right now for a sale of city property. I appreciate all the history of the property and I understand what Mr. Hendrickson is wanting to do with it. It makes sense. I don't want to get involved in a lawsuit that costs us 10 times more than what the property is worth by making a quick decision. Bring us the facts of what we can actually do. I would like to do a little more exploring and bring it back and we can make a final decision.

Mayor Haskins stated there is an action item on this agenda. Madam Attorney, does council have to act on it?

Attorney Doyle said, yes. They would either have to remove it at the beginning or table it.

Mr. Heffner stated I closed the Public Hearing. Madam Attorney, how does that work?

Attorney Doyle stated you can simply reopen it and take action on it. The item should probably be on the City Council agenda and not the Public Hearing agenda.

Mr. Heffner stated I didn't know we did action items at a Public Hearing.

Attorney Doyle stated the action should probably have been to refer or suggest approval. I wasn't under the impression that action would be taken until the City Council meeting.

Mr. Heffner stated I have never seen us take action at a Public Hearing. Maybe someone will want to add it to our agenda at the Council Meeting. We are still adjourned.

1. Approve and Authorize vacating all that part of Rose Avenue lying within the recorded plat of Country Gardens adjoining lot 17 on the North.

No action was taken for this agenda item.

Meeting was adjourned at 7:06 PM.



CITY OF BURTON
BURTON CITY COUNCIL MEETING
JULY 19, 2021
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:10 PM.

A. INVOCATION LED BY: TOM MARTINBIANCO

B. THE PLEDGE OF ALLEGIANCE IS LED BY: TOM MARTINBIANCO

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Vice President	Present	
Deborah K Walton	Councilwoman	Present	
Christina Conley	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Motion to approve the agenda as presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

E. STAFF PRESENT

Duane Haskins, Mayor
Racheal Boggs, City Clerk
Charles Abbey, DPW Director/HR
Brian Ross, Police Chief
Kirk Wilkinson, Fire Chief

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Jul 8, 2021 7:00 PM

Minutes Acceptance: Minutes of Jul 19, 2021 7:00 PM (APPROVAL OF MINUTES)

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gregory Fenner, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

G. ADMINISTRATIVE REPORTS

Mayor Haskins stated the Saginaw Street project is almost complete. We hope to have it wrapped up and totally opened with the next week or so. Two weeks after that, the Grand Traverse project should be starting. Next, Center Road will be underway. We do have a drain tube that needs repair that runs under all five lanes of Center Road. Once we get estimates on the repair, we will come before council for approval and a transfer. It could cost upwards of \$500,000 to replace it or fix it. We have had two Neighborhood Watch meetings so far and we are still hoping to have more people attend. Meetings are the second Monday of every month at 6:00PM. The next meeting is August 9th at the pavilion next to the Police Station unless the training room at the Police Department is finished before then. Eventually, we would like to move the location to each of the schools. The Government Finance Officers Association has awarded the Certificate of Achievement of Excellence in financial reporting to the City of Burton for its Comprehensive Annual Financial Report for fiscal year ending June 30, 2020. This is the highest form of recognition in the area of government accounting and finance reporting and it represents a significant accomplishment by government, its management and transparency. Great job to the Controlling staff for doing well on that. Our Fire Department has been picked out of 12 departments by the Michigan Department of Health and Human Services for a PFOMS study. It is a project to detect exposure to PFAS. We are one of 12 that are participating throughout the state. This will take place in August. We have a special presentation tonight for promotions within our Fire Department.

Fire Chief, Kirk Wilkinson presented the following:

Joshua Mather, promoted to Lieutenant on the day shift at Fire Station #2 with six years of service.

Gregory Pray, promoted to Lieutenant on the night shift at Station #2 with almost nine years of service.

James Lincoln, promoted to Battalion Chief at Station #1 with over 28 years of service.

1. July 2021 Investment Report

No Discussion.

H. COMMITTEE REPORTS

None.

I. AUDIENCE PARTICIPATION

Martha Ford of Brookwood Drive stated she is here again tonight regarding Flatrock. The traffic from the employees has slowed down a little bit but it is still crazy over there. Is there someone who oversees places like this? There should be cameras because there is constantly people coming and going and hanging out there. Has anyone spoke with the owner?

Terri Dolan of Brookwood Drive stated I live directly across the street from the property. I have lived here for 34 years. When this became an assisted living facility, it has been

nothing but noise. I would like to know more information about the business. The deliveries to the property are all day and all night. Ambulances and police being there is a daily occurrence. I have called 911 myself at least a dozen times because of the noise. There is trash all over in my yard. This used to be a quiet area.

Kathy Hall of Forest Avenue stated thank you to the Mayor and everyone here for passing the budget. I normally watch the meetings from home. Some of the council looks very uninterested and unprofessional on the video. I would like Burton to get back to some kind of respect and that doesn't mean bad mouthing and going against the Mayor every chance you get, Mr. Heffner. If you don't like where you're at or what you're doing, you should leave that chair. Look at your crowd. It is the same people every week and they are either on a committee or they have a problem. Please show the Mayor some respect, give him a chance.

1. Motion to go into closed session under the Open Meetings Act section 8c for the purpose of collective bargaining strategy.

Council went into closed session at 7:36 PM.

Council returned from closed session at 8:30 PM.

RESULT:	CARRIED [6 TO 1]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Conley
NAYS:	Walton

J. COUNCIL DISCUSSION

Mrs. Conley stated there is a new business coming into the Park Plaza Center where the old Pier One was located. It is called Spy Maker Escape Room and they will have axe throwing. Collette's on Davison Road will be holding an art festival on their property from July 31st to August 1st. I attended the first Burton Neighborhood Watch meeting. I would like to encourage my colleagues to come to the next one on August 9th at 6:00 PM. I would like to discuss scheduling a meeting to discuss our roads.

Mr. Wells stated we have to do something to help the people that are here about the group home.

Mayor Haskins stated I will defer to our City Attorney. They are mandated by the state. Residents need to call the police if there is speeding or other issues.

Mr. Wells stated they need to be ticketed. I have a resident on Brookwood Drive west of Belsay stating there is a white Chrysler 300 that races up and down the road every night and early into the morning. He called the police and asked me what they are doing about it. I don't know. Some of our best neighborhoods are being terrorized by people who probably don't even live in Burton.

Mayor Haskins stated our rental properties are probably one of the biggest problems we have in Burton. Is there a law to regulate them? I spoke with the City Attorney about creating an ordinance where we can fine the landlords when police are called to their property. She said we can't do that. I have thrown ideas out there to find ways to make landlords more responsible for their properties. There is a bad house on Schumacher that we receive numerous complaints about. We send Code Enforcement out there over and over again. How do we control it? If there is no law that allows us to hold landowners

accountable, I don't know what else we can do. With group homes, it is state legislation. They passed a law that they can have up to six individuals living there without any type of license. That is the issue with Flatrock. We have been dealing with the same issue for six months on Surrey Lane.

Mr. Wells stated these are the same people on Brookwood that have been dealing with the guy around the corner on Belsay Road. They have given up. They have been dealing with this for almost three years. Their kids won't bring their grand kids over there because of that guy. That's ridiculous.

Mayor Haskins stated our Police Department has done everything in their power with Mr. Hyde. He was sentenced to jail and everything.

Mr. Wells stated this can't continue to go on. Something bad is going to happen over there. These are all long term, good Burton people having to put up with this. I never thought we would have to put up with some of the stuff that goes on in this town. It's a sad situation. My hat is off to Chief Ross. He is doing everything he can. The Neighborhood Watch should help. Maybe you can advise them of the steps to take care of things like this. I have heard some of the Census numbers are in. According to what I saw, we are down about 400 people.

Mayor Haskins stated I keep track of this and the last I was told is the numbers would be available in September. I don't know what numbers you are looking at but that's what they have told me. I know the state is waiting for the numbers because that is what they will use for redistricting.

Mr. Smith stated I believe the state numbers are up based on the information I have. They do projections but they are just estimates.

Discussion continued regarding the 2020 Census numbers.

Mrs. Conley stated I thought we were supposed to have a representative here from Medstar to ask questions. I thought we discussed this at our last meeting.

Mayor Haskins stated Medstar was unavailable for this meeting. We are still working on it.

Mrs. Conley stated if I had known there was a press release at the Fire Department, I would have like to have been there. I think the council should be invited to everything so if we are asked questions by residents, we have the answers.

Mr. Heffner stated I have a different issue with this. Madam Attorney, what separates a contract and a service agreement?

Attorney Doyle stated I can't answer that off the top of my head. It would depend because sometimes those terms are interchangeable. It depends on the terms of it. From what I understood after speaking to the Fire Chief, it didn't sound like something that was incredibly binding and that would be the distinction.

Mr. Heffner stated there is an opt-out clause in it and we are giving exclusivity to one company over everyone else.

Attorney Doyle stated I would like to know if there is a penalty or repercussion. Those things would determine if it is an enforceable contract.

Mr. Heffner stated I believe it would have passed if it had come to the council. I see that

Davison Township, Davison City and Richfield Township just signed a contract with Medstar. What separates us from a contract to a service agreement? A lot of service agreements such as with Plante Moran for our audit, they come in and do the audit and they're done. This is a five-year agreement. To me, this is a contract and I feel it should come to the council for approval. The charter is very clear on contracts. Our forefathers made it so seven people approve contracts, not one. There is a reason for that.

Mr. Wells stated an agreement is a contract. They are one in the same. At some point, it will have to come before us for a vote.

Attorney Doyle stated there are certain terms that according to law, define a contract. It is an offer of goods or services and the acceptance and terms of those. Also, what the obligations are and who is gaining what. Is it equal or something I am bargaining for? There are a lot of terms to be met to make it a contract, but I cannot speak to this specifically because I have not seen the agreement or contract.

Mr. Wells stated we are talking about an agreement regarding the public safety of the residents of the City of Burton. It has to be ratified by the City Council. I have talked to Davison, Grand Blanc and Flint Township and in these cases, the company comes to City Council and they sign up for it by taking a vote on it.

Mr. Martinbianco asked, do any of these municipalities have boiler plate language used in the contract that you are aware of?

Mr. Wells stated I don't go into a whole lot of detail. I just asked what they thought. If something happens, this will come back on us not the Fire Chief.

Mr. Martinbianco stated the three components of a contract are offer, acceptance and consideration. I don't know what the consideration in this case is except for they are willing to offer services exclusively to Burton. I didn't get the impression that anyone else would be blocked out but I did get the impression that there were virtually no other ambulance services to service us at this point in time. I think it would behoove us, before we endorse anything to have the City Attorney research this to determine if it is of a contractual nature and if it is, bring it back to the council. As the President stated, we will probably all be in concert with what they have to offer.

Mr. Heffner stated I am not trying to bully anybody here but, contracts are our responsibility.

Mr. Smith stated what I understand of contractual law, there has to be an exchange of something of value.

Mr. Heffner stated let me stop you right there. The value is the right to do the service here. That is a value to that company.

Mr. Smith stated I believe the Mayor has a right to sign contracts up to \$10,000.

Mr. Heffner stated he has a right to spend money up to \$10,000 but not contracts. It is in section 11.1 of the City Charter.

Mr. Smith stated I can only go by what I learned in business law. There has to be some type of enumeration and it was always financial. I think this is a service agreement and that the other contingency was the eight minutes. I do think it would be a good idea for the City Attorney to look at it.

Attorney Doyle stated it doesn't necessarily have to be financial. There is a mutuality of obligation. I will do this for you if you do this for me. That would work as well. If it is not an exclusivity agreement then I don't know if there would be a contract because the benefit is not necessarily there. There is no consideration. Yes, you can have the exclusive right to use this but other ambulances can still come in. I don't know what is said so I am just speculating.

Mr. Fenner stated I am not here to argue whether this is a contract or an agreement. What I do want to specify is this is an exclusivity. When 911 gets a call for an ambulance for the city, they are just going to call Medstar. Our consideration is they guarantee eight minutes or less to any spot in Burton. Whether that is a contract or an agreement, I don't know. I don't know how this is different than cable in our city for example. Comcast/Xfinity kind of has exclusivity to cable in our city. How did that happen years ago? Was there an agreement made or a contract where someone paid someone to do this? I don't know the circumstances but there is no other cable service available in the City of Burton. Is this the same sort of thing?

Mr. Heffner stated this is the exact same thing. The difference is in the past, the council has allowed the administration to do the Comcast and phone contracts.

Mr. Fenner stated I am not arguing whether or not council should vote this on. Like Mrs. Conley, I was hoping to see the Medstar representative come in and explain everything to me.

Mr. Heffner stated when each of us were sworn in; we swore an oath to uphold the City Charter. That is what we are trying to do tonight.

Further discussion ensued regarding Medstar, a contracts versus an agreement and other municipality's decisions regarding ambulance services.

Mrs. Walton asked, Chief Wilkinson, are you allowed to make the decision to enter into a service contract up to \$10,000 on your own?

Chief Wilkinson deferred to Mayor Haskins.

Mayor Haskins said, yes. Up to \$10,000 is the way it has always been set up. The conflict here is because you are calling it a contract instead of a service agreement. I would have never thought in a million years that being able to guarantee our residents ambulance coverage could turn into this controversy. If it is a power play, so be it I guess. This was a good thing for our city. There was an ambulance shortage, our residents weren't even getting ambulances at times and the average response time was 9-13 minutes. Now, we are guaranteed eight minutes. I never thought this would be an issue. Had I thought it would be an issue, I would have come here and begged for your mercy first. I thought this was a great thing for the city. I will make it very clear that this was not a contract. It was a service agreement that we can terminate within 30 days if we don't like it or they are not holding up their end of the bargain. There is no cost to our city government, period. No monetary value whatsoever. It is just guaranteeing our resident that they will be able to have an ambulance so they can get their loved one to the hospital in time. I never thought this would be an issue. I apologize for creating the issue. I thought this would be a great thing.

Mrs. Conley stated I don't want this to be an issue either. I never knew there was an ambulance shortage until our last meeting. I would like to be informed so I can go and learn more about it. I am extremely happy this is happening for our residents.

Mayor Haskins stated the shortage has been all over the news for six months. That is how I learned about it. They have done special coverages on it and interviews with the ambulance companies. They have never allowed these types of agreements before until the head of the Medical Control Board brought it up at a 911 meeting that because of the shortage, this was the best way to protect your residents. That is why we did it. I didn't want to wait another 1-2 weeks if it could save a life. That is why it happened this way. There was nothing underhanded or sneaky, I just thought it was a great thing for our residents.

Mr. Heffner stated I think it's a great thing also as long as it comes before us to approve the contract.

Mayor Haskins stated it is not a contract and I will say it over and over again. I know that is your play on words, Mr. Heffner, but it is not a contract. There is a difference.

Mr. Fenner stated I would like to add an agenda item to approve and authorize the acceptance of the SEIU collective bargaining agreement effective July 1, 2021 - June 30, 2025. Please correct my dates if I am wrong on those.

Mr. Abbey stated that is correct.

Mayor Haskins suggested removing the dates and state "the contract ratified by SEIU to date". Spelling out the dates as far as voting on it, isn't going to matter but if you put a specific end date on it then it could be a bad vote.

Mr. Fenner stated I was mirroring the AFSCME contract that is on the agenda tonight, using the same dates so they will be lined up.

Mr. Martinbianco stated it is through 2024.

Mr. Fenner restated the motion and asked, through 2024?

Mr. Martinbianco said, that is correct.

Mr. Heffner asked the administration to send the council and City Attorney a copy of the Medstar service agreement.

1. Motion to add item to the agenda: Approve and Authorize the acceptance of the SEIU Collective Bargaining Agreement effective July 1, 2021- June 30, 2024.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Vice President
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 7/1/21 to 7/13/21 in the amount of \$4,758.00.

RESULT: CARRIED [UNANIMOUS]
MOVER: Christina Conley, Councilwoman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

2. Approve and authorize the payment of Attorney Billing (Masud) 6/1/2021 to 6/30/2021 in the amount of \$9,272.00.

RESULT: CARRIED [UNANIMOUS]
MOVER: Christina Conley, Councilwoman
SECONDER: Gregory Fenner, Vice President
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

3. Approve and authorize the acceptance of the AFSCME Collective Bargaining Agreement effective July 1, 2021 through June 30, 2025.

RESULT: CARRIED [UNANIMOUS]
MOVER: Christina Conley, Councilwoman
SECONDER: Danny Wells, Councilman
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

4. Approve and Authorize the acceptance of the SEIU Collective Bargaining Agreement effective July 1, 2021- June 30, 2024.

RESULT: CARRIED [UNANIMOUS]
MOVER: Christina Conley, Councilwoman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

L. SECOND READING OF ORDINANCE

1. Approve and authorize the second reading of amended Chapter 157, the zoning ordinance, of the code of ordinances of the City of Burton to regulate incinerators, trash containers and collection/donation containers.

RESULT: CARRIED [UNANIMOUS]
MOVER: Gregory Fenner, Vice President
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, Heffner, Wells, Smith, Fenner, Walton, Conley

Agendas and minutes may be found at www.burtonmi.gov

Meeting was adjourned at 9:15 PM.

Minutes Acceptance: Minutes of Jul 19, 2021 7:00 PM (APPROVAL OF MINUTES)



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 08/02/21 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

K.1

SCHEDULED

AGENDA ITEM (ID # 5163)

DOC ID: 5163

**Approve and authorize the payment of Attorney Billing
(Doyle) 7/14/21 to 7/27/21 in the amount of \$5,890.00.**



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 08/02/21 07:00 PM
Department: Department of Public Works
Category: Contract
Prepared By: Amber Abbey
Department Head: Charles Abbey

K.2

SCHEDULED

AGENDA ITEM (ID # 5159)

DOC ID: 5159

Approve and authorize the Mayor and Clerk to enter into an agreement with Stantec Consulting Michigan Inc., 3754 Ranchero Drive, Ann Arbor, MI 48108-2771 to complete the preliminary engineering, design and plan preparation phases of the 2021 State Revolving Fund for improvements Phase 2 to the City of Burton's Sanitary Sewer System at a cost not to exceed \$196,500.

ATTACHMENTS:

- pro_abbey_srf_design 2020_phase 2_20210712_rev_signed_w_attach (PDF)



Stantec Consulting Michigan Inc.
3754 Ranchero Drive, Ann Arbor MI 48108-2771

July 12, 2021
File: 2075154300

Attention: Amber Abbey, DPW Deputy Director
Department of Public Works
4093 Manor Drive
Burton, MI 48519

Dear Ms. Abbey,

Reference: Proposal for Professional Services for the Design of the SRF Phase 2

Pursuant to the City of Burton's (City) request, Stantec Consulting Michigan Inc. (Stantec) is pleased to submit this proposal for providing professional engineering services related to the design of the City's Sanitary Sewer System as illustrated in the 2020 State Revolving Fund (SRF) project plan. This letter proposal is divided into the following major sections:

- Project Background and Understanding
- Project Scope of Services
- Project Assumptions
- Project Schedule
- Project Proposed Budget

Project Background and Understanding

Stantec completed an SRF project plan in August 2020 for the City's sanitary sewer system. The SRF project plan utilized the Pipeline/Manhole Assessment Certification Program (PACP/MACP), which is the National Association of Sewer Service Companies (NASSCO) standard for pipeline defect identification and assessment rating system, to identify improvements needed over five years throughout the City. The improvements address the gravity sewers and manholes that have been categorized in the City's Capital Improvement Plan (CIP) and Asset Management Program (AMP) as having poor structural condition rating (PACP/MACP structural condition ratings of 4 and 5) and/or identified as contributing to Infiltration and Inflow (I&I) per the flow metering data and PACP/MACP data.

The proposed rehabilitation measures include point repairs, lining, and/or replacement (Rehabilitation Measures) of approximately 150,000 feet of gravity sewers and approximately 125 manholes over five years (five individual SRF projects). It is estimated that Phase 2, which is addressed in this proposal, will cover the proposed Rehabilitation Measures of approximately 30,383 feet of gravity sewers and 23 manholes. More details on the improvements proposed are depicted in the 2020 SRF project plan.

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has confirmed the attached milestone schedule for Phase 2.

It should be noted that the objectives of the rehab work are as follows:

July 12, 2021
 Amber Abbey, DPW Deputy Director
 Page 2 of 7

Reference: Proposal for Professional Services for the Design of the SRF Phase 2

- **Replacement:**

Replace sewers and manholes that are identified as collapsed, sagging or at critical condition of collapsing. Eliminate direct source of I&I caused by the collapsed sections.

- **Lining:**

Repair areas of sewer and manholes where lining is a suitable rehab method.
 Maximize the structural integrity of the sewers/manholes.
 Minimize impacts on internal diameter and capacity.
 Minimize O&M impacts such as but not limited to root intrusions and I&I.

PROJECT SCOPE OF SERVICES

Task 1 – Preliminary Engineering Design and Specifications Development

Under this Task, Stantec will identify all critical aspects of the project that will be necessary to allow for a streamlined and efficient design process. Specific work conducted under this Task includes:

- Attend a project kickoff meeting with City staff to confirm scope, project approach, and define responsibilities.
- Address EGLE's comments on the SRF project plan, if any, to allow for the issuance of the Environment Assessment.
- Review available background information including record drawings from the City and any other pertinent sources.
- If insufficient record drawings are available, coordinate with the City's Utilities Department to field verify manhole locations of the existing system.
- Contact and coordinate with utility companies as necessary to obtain location information relative to gas, electric, phone, cable, etc.
- Perform geotechnical exploration of the project site by drilling soil borings along the sewer replacement routes.
- Within the sewer and manhole replacement areas:
 - Establish Right-of-Way along the project route.
 - Provide survey mapping of the road and front yard corridors to use as a base map.
 - Provide a preliminary horizontal sewer layout for review by the City and County to initiate agency coordination at any early stage of the project.

July 12, 2021
 Amber Abbey, DPW Deputy Director
 Page 3 of 7

Reference: Proposal for Professional Services for the Design of the SRF Phase 2

- Within the point repair and lining areas:
 - Develop GIS maps of all sewer and manhole lining routes.
 - Perform detailed review of the CCTV information to further assess and develop rehab methods.
 - Assess the need for supplemental CCTV (to be done by others).
 - Characterize design parameters, lining extents, and lining prep work needed.
 - Identify location of leads, sewer junctions, issues that may impact lining if any.
 - Launch the development of preliminary project specifications and project information compilation.
 - Work closely with the City to identify traffic control plans.
- Perform a field reconnaissance to establish a clear understanding of all field conditions, including but not limited to, visual reevaluation of some of the manholes to confirm needed rehabilitation method.
- Prepare a preliminary estimate of EOPCC based on the findings of this phase of work.
- Work closely with the City, EGLE District, and SRF EGLE staff to meet necessary submittals related to the engineering components within the SRF milestone schedule

Task 2 – Detailed Design, Plan Preparation and Contract Documents

Under Task 2, detailed construction plans and specifications would be prepared. A detailed scope for this phase of work is as follows:

- Perform supplemental topographic survey as needed in the specific locations of sewer replacement necessary for the detailed stage of design.
- Prepare plan and profile sheets for the proposed replacement work consistent with City, County and EGLE standards for agency review and approval.
- Include necessary City and County standard detail sheets, as well as prepare any specialized details for the project.
- Review and include a traffic control plan and bypass pumping requirements for all sewer replacement, and lining (where needed).
- Prepare Contract Documents, including the necessary bidding documents and detailed specifications for the project detailing items such as, but not limited to, location of work, sewer preparation, type of rehab, traffic control, bypass pumping, replacement plans and profiles, etc. for City, County and EGLE review and approval.
- Prepare and submit a Part 41 Permit for Wastewater Systems application and submit to EGLE.
- Prepare and submit other regulatory permits including soil erosion, EGLE Joint Permit Application, etc. if deemed necessary.

Design with community in mind

July 12, 2021
 Amber Abbey, DPW Deputy Director
 Page 4 of 7

Reference: Proposal for Professional Services for the Design of the SRF Phase 2

- Attend design review meetings with the City. It is assumed that approximately six (6) meetings with the City will be necessary during the design phase.
- Prepare an updated EOPCC for the project at the permitting and bidding stages of the project.

Task 3 – Bidding Assistance

Under this Task Stantec will provide public bidding assistance for the project including the following:

- Advertise the project for bidding on MITA website.
- Distribute electronic bidding documents (plans and specifications) to interested bidders and plan houses.
- Coordinate and facilitate a pre-bid meeting, if deemed necessary.
- Review bid questions, prepare and distribute addenda.
- Attend a public bid opening (virtual or in person).
- Provide the City with a bid review letter.
- Aid the City in completing SRF Part 2 and Part 3 applications.

PROJECT ASSUMPTIONS

The following are major project assumptions associated with Stantec's project scope of work:

- The City's Department of Public Works would be available to assist in field verification of pipe and manhole locations and elevations as requested by Stantec.
- The City's existing GIS will be utilized in preparation of the sewer lining design.
- The existing subdivision plat information can be used to establish a majority of the right-of-way locations for this project with minimal field verification of irons and monuments.
- Within the sewer replacement sections, sewer service leads will be replaced from the new sewer lines, if any, up to the edge of the right-of-way consistent with GCDRC requirements. We assume that no easements will be necessary for replacement of service leads.
- The condition of the City's Sewer System was based on third party evaluations (Young's Environmental and by City staff) using CCTV and the PACP national standard rating system.
- Stantec evaluated the rehab needs based on the PACP reported condition ratings to develop the CIP/AMP. These needs will be re-examined during the Task 1, where warranted.
- Supplemental CCTV inspections, if needed, will be conducted by PACP certified City staff at the direction of Stantec.

Design with community in mind

Attachment: pro_abbey_srf_design_2020_phase_2_20210712_rev_signed_w_attach (5159 : Proposal for Professional Services for the design of

July 12, 2021
 Amber Abbey, DPW Deputy Director
 Page 5 of 7

Reference: Proposal for Professional Services for the Design of the SRF Phase 2

- No wetland delineation will be necessary for this project.
- No traffic study will be required.
- We have only accounted for a standard traffic control plan in our proposal.
- All permit applications fees, if any, will be paid by the City.
- Construction administration services are not included in this proposal. Stantec will be happy to provide a proposal for construction administration later.
- The City will retain a financial consultant and a legal consultant to comply with the financial and legal obligations under the SRF milestone schedule.
- Part 1 SRF application will be prepared by the City's financial consultant.
- User charge system study to satisfy EGLE's milestone schedule will be completed by others.
- Stantec will endeavor to meet EGLE's milestone schedule for a second quarter closing (April 2021) to allow the City to benefit from competitive winter bidding. This can only be achieved with timely design authorization (September 8) and EGLE's approval of the proposed review schedule shown below.

Project Schedule

We propose to follow the critical schedule below, which will be refined as we work with EGLE to finalize. Once we finalize with EGLE, we understand that there is no float to this schedule, and we are committed to providing the necessary resources to meet the schedule.

ACTIONS	NO LATER THAN
City Council Authorization	August, 2021
Project Kickoff and Field Work	August / September 2021
Submittal of Draft Plans and Specifications	October 25, 2021
Submittal of Final Plans and Specifications	December 27, 2021
Publication of Bid Advertisement (no later than)	January 10, 2022
Opening of Bids (no later than)	February 15, 2022
City Council Resolution for Tentative Award	March 2, 2022
Loan Closing	May 6, 2022

July 12, 2021
 Amber Abbey, DPW Deputy Director
 Page 6 of 7

Reference: Proposal for Professional Services for the Design of the SRF Phase 2

Project Proposed Budget

Stantec proposes to complete tasks 1, 2, and 3 on a time and material basis for a Not-to-Exceed fee of \$196,500.

SRF Design -Segment 2		
Task 1	Preliminary Engineering (70%)	\$122,500
Task 2	Detailed Design, Plan Preparation and Contract Documents	\$ 49,000
Task 3	Bidding Assistance	\$ 15,000
	Geotechnical Investigation Allowance	\$ 10,000
TOTAL NOT-TO-EXCEED FEE*		\$196,500

The not-to-exceed budget amount stated above includes all fees for the work described in this proposal, including all reimbursable charges such as charges for sub-consultants and other specialized services.

*Please note that Stantec reserves the right to transfer budget between tasks outlined in the scope of work due to the possible occurrence of overlapping tasks but will not exceed the total amount stated above.

Please note that this work would be conducted under the General Engineering Services Agreement dated August 7, 2017.

If the above proposal meets your approval, sign this letter, and return a copy to our office. We take pride in providing the City with quality engineering services and look forward to continuing our services for years to come.

Regards,

Stantec Consulting Michigan Inc.



Spencer Cain PE
 Project Engineer
 Phone: 734 214 1858
 Spencer.cain@stantec.com

Stantec Consulting Michigan Inc.



Brian Simons PE, MBA, LEED-AP
 Senior Principal
 Phone: 734 214 2518
 brian.simons@stantec.com

Design with community in mind

July 12, 2021
 Amber Abbey, DPW Deputy Director
 Page 7 of 7

Reference: Proposal for Professional Services for the Design of the SRF Phase 2

By signing this proposal, the City of Burton authorizes Stantec to proceed with the services as listed below, please check all that apply:

This proposal is accepted and agreed on the _____ day of July, 2021.

Per: City of Burton

 Print Name & Title

 Signature

Attachment: Project Milestone Schedule

ws v:\2075\promotion\2075800\85004 - burton\pro_abbey_srf_design 2020_phase 2_20210712_rev.docx

**Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Clean Water State Revolving Fund (CWSRF) Project Milestone Schedule
for 2.5 Quarter Financing in Fiscal Year 2022
Anticipated Loan Closing on May 6, 2022**

Applicant Name: City of Burton
Project Number: 5738-01 (Phase 2 of 5)
Project Description: Wastewater Collection System Improvements to Pipes and Manholes
to address various needs of Structural Integrity & Inflow and Infiltration (I/I)

<u>Milestone</u>	<u>By No Later Than</u>
Phase 2 Project Update (Confirm the Phase 2 Scope of Work & Project Cost Estimate (\$3,030,000))	Completed
Disclosure of any change(s) warranted based upon obtained field data (NOTE: Any change(s) outside of the EGLE approved Phase 2 Scope of Work will prompt an EGLE planning review of which may necessitate additional milestones Not identified within this schedule to achieve successful CWSRF loan financing and in turn, may require moving to a future CWSRF loan quarter financing target.)	September 20, 2021
Submittal of Draft Plans & Specifications and Basis of Design (Phase 2 only)	October 25, 2021
EGLE Comments on Draft Plans & Specifications (Phase 2 only)	November 26, 2021
Submittal of Final Plans & Specifications and Basis of Design (Phase 2 only)	December 27, 2021
Issuance of Construction Permit (Phase 2 only)	January 25, 2022
EGLE Approval of Plans & Specifications (Phase 2 only)	January 28, 2022
Submittal of CWSRF Application Part I (Phase 2 only)	January 7, 2022
Submittal of CWSRF Application Part II (Phase 2 only)	January 7, 2022
Submittal of CWSRF Application Part III (Phase 2 only) (including Resolution of Tentative Contract Award)	March 7, 2022
Publication of Bid Advertisement (Phase 2 only)	January 10, 2022
Opening of Bids (Phase 2 only)	February 15, 2022
Resolution of Tentative Contract Award by Governing Body (Phase 2 only)	March 2, 2022
EGLE Order of Approval* (Phase 2 only)	April 8, 2022
MFA Loan Closing (Phase 2 only)	May 6, 2022
Notice To Proceed Issued (Phase 2 only)	July 5, 2022

*contingent upon the availability of CWSRF funds

As the authorized representative for this project, I understand that failure to adhere to this schedule may result in the deferral of EGLE action on this project until a subsequent fiscal year.

Accepted on 6-30-21

By: [Signature]
Applicant's Authorized Representative

Accepted on 07/01/2021

By: Jonathan M. Berman
Project Manager, Finance Division
Water Infrastructure Financing Section

Approved on 7/6/2021

By: [Signature]
Administrator, Finance Division
Water Infrastructure Financing Section

Attachment: pro_abbey_srf_design_2020_phase_2_20210712_rev_signed_w_attach (5159 : Proposal for Professional Services for the design of



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 08/02/21 07:00 PM
Department: Department of Public Works
Category: Resolution
Prepared By: Amber Abbey
Department Head: Charles Abbey

K.3

SCHEDULED

AGENDA ITEM (ID # 5160)

DOC ID: 5160

Approve and Authorize the resolution that the City of Burton deems all that part of Rose Avenue lying within the recorded plat of Country Gardens adjoining lot 17 on the North unnecessary for public use and approves vacating.

ATTACHMENTS:

- Signed Pet (PDF)



City of Burton

Department of Public Works

4093 Manor Drive

Genesee County, Burton, Michigan 48519

(810) 742-9230



DATE: 5-28-2021

APPLICANTS NAME: Jonathan Shaski

APPLICANTS ADDRESS: 3273 Connecticut St. Burton, MI 48519

APPLICANTS PHONE NO: 810-397-0556

We, the undersigned, being freeholders in the City of Burton, County of Genesee and State of Michigan, hereby petition that a portion of a certain public unimproved right of way, which is not in use as such and is abandoned, be declared absolutely abandoned and discontinued in accordance with the provisions of the Laws of the State of Michigan, including Section 9.118 of Michigan Statutes as amended and supplemented, said portion of Rose Ave being described as follows:

ALL THAT PART OF ROSE AVE LYING WITHIN THE RECORDED PLAT OF COUNTRY
GARDENS ADJOINING LOT 17 ON THE N

Trusting that your honorable body will give this matter your careful consideration, your petitioners will ever pray:

<u>Name</u>	<u>Mailing Address</u>	<u>Phone</u>	<u>Date</u>
<u>Jonathan Shaski</u>	<u>3273 Connecticut</u>	<u>810-397-0556</u>	<u>5-28-2021</u>

Attachment: Signed Pet (5160 : Vacating- Rose Ave/Connecticut)

Signature

Date

STATE OF MICHIGAN } SS
 COUNTY OF GENESEE }

On May 28, 2021, Jonathan Shaski being duly sworn,
 deposes and says:

That the attached is a true and correct list of the names and mailing addresses of the owners of each
 parcel of land abutting the unimproved right of Way, as described on the attached
 petition, which is requested to be absolutely abandoned and discontinued.

RACHEAL K. ERVIN-BOGGS
 Notary Public, State of Michigan
 County of Genesee
 My Commission Expires 07-28-2021
 Acting in the County of Genesee

Racheal K. Ervin-Boggs
 Notary Public

Racheal K. Ervin-Boggs
 Name

My Commission Expires: 7/28/21

Genesee County, Michigan

Attachment: Signed Pet (5160 : Vacating- Rose Ave/Connecticut)

COUNTRY GARDENS

PART OF THE SW 1/4 OF SECTION 26,
T7N, R7E, BURTON TOWNSHIP, MICHIGAN
MERIDIAN, GENESEE COUNTY, MICHIGAN.

Surveyor's Office
Genesee County, Michigan
Plat of Country Gardens
Burton Township
was Recorded this 14th day of
November A.D. 1955 at 2 o'clock
A.M. in Liber 28 of Plat
in Page 23
I hereby certify this copy is a true and correct copy of the plat recorded in the Register of Deeds in Genesee County, Michigan.
Date November 7, 1955
Filed in Auditor General's Dept.
Date November 15, 1955
Examined and approved
Date November 7, 1955
Vladimir Targumski
Auditor General

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we, Harry M. Long and Hildred L. Long, his wife, as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "COUNTRY GARDENS", Part of the SW 1/4 of Section 26, T7N, R7E, Burton Township, Michigan Meridian, Genesee County, Michigan, and that the roads as shown on said plat are hereby dedicated to the use of the public.

Witnesses:
Ronald Reid
Charles J. Housler
State of Michigan
County of Genesee

Harry M. Long
Harry M. Long
Hildred L. Long
Hildred L. Long

On this 10th day of Nov 1954, before me, a notary public, in and for said county, personally appeared the above named Harry M. Long and Hildred L. Long, his wife, known to me to be the above named persons who executed the above dedication and who acknowledged the same to be their free act and deed.

My commission expires Apr 6, 1957

Lytle P. Mod
Lytle P. Mod
Notary Public, Genesee Co., Michigan

DESCRIPTION OF LAND PLATTED

The land embraced in the annexed plat of "COUNTRY GARDENS", Part of the SW 1/4 of Section 26, T7 N, R7E, Burton Township, Michigan Meridian, Genesee County, Michigan, is described as: Beginning at a point on the NW 1/4 line of Section 26, T7N, R7E, Burton Township, Genesee County that is S 01°20'E, 2546.33 feet, S 53°02'E, 144.25 feet, and N 89°22'E, 1809.14 feet from the N. W. Corner of said Section 26; thence S 00°37'E, 982.44 feet; thence N 89°00'W, 948.97 feet; thence N 01°23'W, 406.2 feet to the NW 1/4 line of said Section 26; thence E 89°22'E, 753.18 feet along said NW 1/4 line to the place of beginning, containing 24 Lots.

CERTIFICATE OF MUNICIPAL APPROVAL

This plat was approved on the 13th day of September 1954, by the Township Board of the Township of Burton.

James P. Barkey
James P. Barkey
Twp. Clerk

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS

This Plat has been examined and was approved on the 29 day of Sept 1954, by the Genesee County Board of Road Commissioners.

Robert G. Stoddard
Robert G. Stoddard
Comm.

A. Harold Bergh
A. Harold Bergh
Comm.

G. M. Bullard
G. M. Bullard
Comm.

CERTIFICATE OF APPROVAL BY COUNTY BOARD

This plat was approved on the 3rd day of October 1954, by the Genesee County Plat Board.

Paul M. Smith
Paul M. Smith
Sec. of Deeds

James P. Barkey
James P. Barkey
County Treas.

Wm. H. Dunn
Wm. H. Dunn
County Clerk

E. E. O'Brien
E. E. O'Brien
Co. Drain Comm.

COUNTY TREASURER'S CERTIFICATE RELATING TO TAXES

Office of the County Treasurer, Genesee County, Michigan

I hereby certify that there are no tax liens or titles held by the State on the lands described hereon, and that there are no tax liens or titles held by individuals on said lands for the five years preceding the 29 day of November 1954, and that the taxes for said period of five years are paid as shown by the records of this office.

This certificate does not apply to taxes, if any, now in process of collection by township, City or Village collection officers.

James P. Barkey
James P. Barkey
Co. Treas.

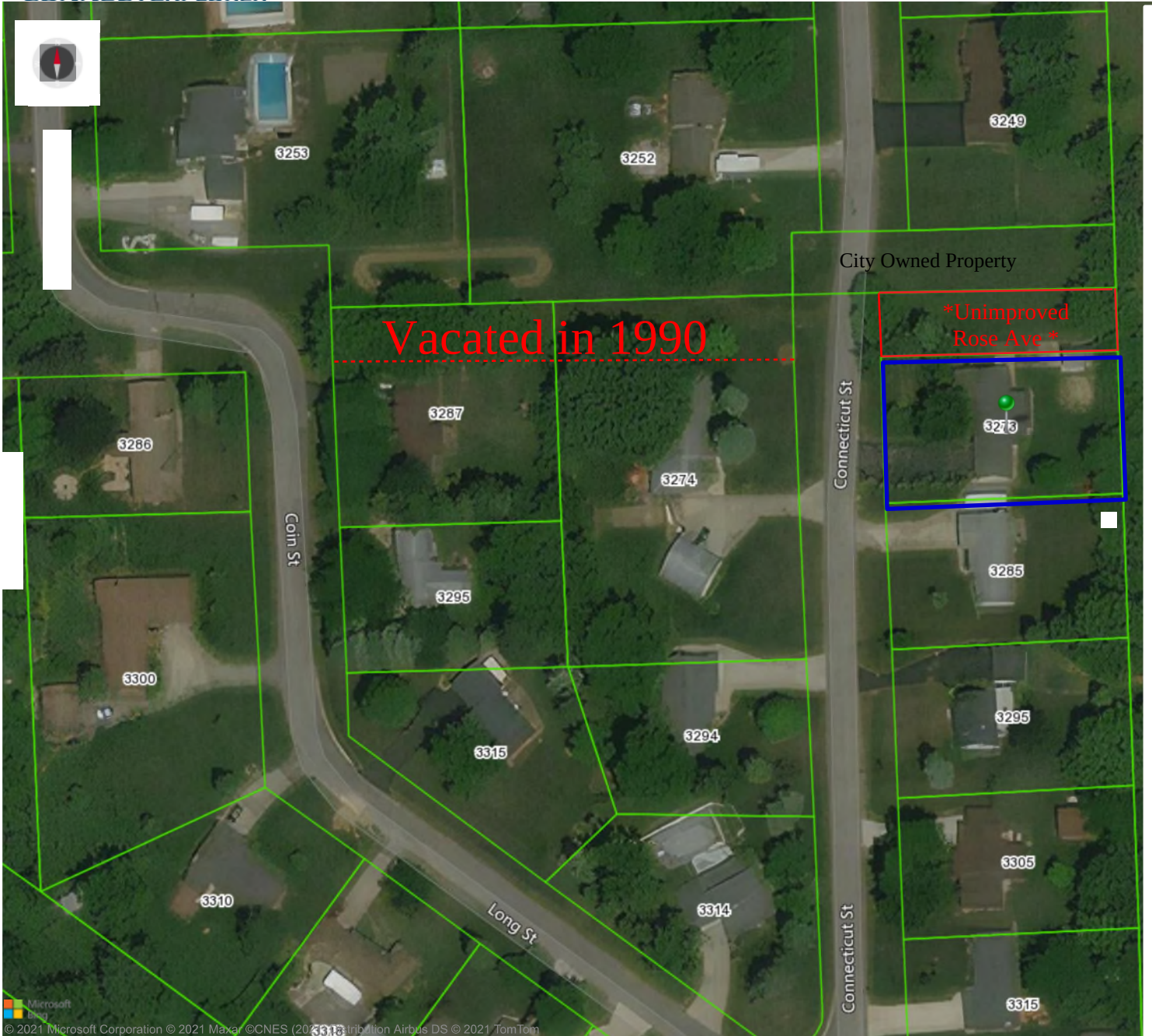
SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one, and that permanent monuments consisting of iron rods at least one-half inch in diameter and thirty-six inches in length, encased in concrete cylinders four inches in diameter and thirty-six inches in length have been set at all points marked thus (o) as thereon shown at all angles in the boundaries of the land platted, at all intersections of the lines of streets and at intersections of the lines of streets with the boundaries of the plat.

Richard C. West
Richard C. West
Registered Surveyor No. 5100



WEST ENGINE E RING 1665 N. CHEVROLET AVE. FLINT, MICH.



map: Aerial

Dates: Latest

Attachment: Signed Pet (5160 : Vacating- Rose Ave/Connecticut)



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 08/02/21 07:00 PM
Department: Department of Public Works
Category: Contract
Prepared By: Amber Abbey
Department Head: Charles Abbey

K.4

SCHEDULED

AGENDA ITEM (ID # 5161)

DOC ID: 5161

Approve and authorize the Mayor and City Clerk to execute a contract with ACE Saginaw Paving Co. 115 S. Averill Ave., Flint, MI 48506, for the 2021 Pavement Preservation contract which will include the Milling and Resurfacing of Center Road from Atherton to Maple and McLaren Ave from Columbine to Fern, for the Not-to-Exceed fee of \$770,242.00

ATTACHMENTS:

- bidtab (PDF)
- Ace Bid (PDF)



BID TABULATION

CITY OF BURTON

Department of Public Works



Project: 2021 Pavement Preservation

Bid opening at: City Council Chambers

Date & Time: July 15, 2021 at 10 a.m.

Julie Griffith, Purchasing Agent

Pete Wingblad, Sup't of Engineering

Amber Abbey, Deputy DPW Director

	Bidder Name & Address	Bid Bond	Signed Bid	Total Bid	Rank
1	Cadillac	Yes	Yes	\$1,041,450.10	6
2	Ajax	Yes	Yes	\$998,201.60	4
3	Hutch	Yes	Yes	\$945,030.04	3
4	Spartan	Yes	Yes	\$1,001,451.60	5
5	ASI	Yes	Yes	\$826,379.00	2
6	Ace-Saginaw	Yes	Yes	\$770,242.00	1
7					
8					
9					
10					

Amount in **bold** type denotes low bid

() Contractor is disqualified due to failure to submit bid bond with bid

Attachment: bidtab (5161 : 2021 Pavement Preservation - Center Rd and McLaren)

PROPOSAL

2021 PAVEMENT PRESERVATION PROGRAM

This is the PROPOSAL of Ace-Saginaw Paving Company, hereinafter called the Bidder, to the City of Burton, a Michigan Governmental Corporation, hereinafter called the Owner.

The Bidder, having familiarized himself with the local conditions affecting the work, and having examined the contract documents including the Advertisement, Instruction to Bidders, Proposal, Agreement, Bonds, Insurances, Specifications and Addenda, hereby proposes to furnish all labor, materials, tools, equipment, utilities and transportation services, and to perform and fully complete all the work listed on the proposal form and/or described in the contract documents and specifications designated as:

CITY OF BURTON, MICHIGAN 2021 PAVEMENT PRESERVATION PROGRAM

SCHEDULE

The successful Bidder will be required to complete all work within the schedule specified below.

All contract work must be completed in its entirety by October 15, 2021. Failure to complete all contract work by October 15, 2021 will result in the Contractor being assessed liquidated damages in accordance with MDOT 2012 Standard Specifications for Construction. Turf establishment must be placed by October 15, 2021. The project shall be completed in its entirety, including final site restoration and clean-up for final completion on or before November 10, 2021.

The successful Bidder will be required to submit a construction schedule to the Owner indicating the dates of completion of the various items of work. This schedule, when approved by the Owner, will become a part of the contract documents.

* See attached documentation of basis of proposal.

BASE PROPOSAL

Item#	Item	Quantity	Unit Price	Total Price
1	Traffic Control	1 LS	\$ 42,500.00	\$ 42,500.00
2	HMA 5E3 PG 64-28	6,500 TON	\$ 77.65	\$ 504,725.00
3	Curb R&R Special	450 FT	\$ 74.00	\$ 33,300.00
4	Pavement Remove, Modified	150 SY	\$ 35.00	\$ 5,250.00
5	Conc Base Crse, Nonreinf, 10 Inch	75 SY	\$ 95.00	\$ 7,125.00
6	Hand Patch	50 TON	\$ 160.00	\$ 8,000.00
7	Cold Milling HMA Surface	75,000 SY	\$ 1.25	\$ 93,750.00
8	Monument Box, Adj	5 EA	\$ 290.00	\$ 1,450.00
9	Drainage Structure Cover, ADJ, Case 1, Mod	20 EA	\$ 1,600.00	\$ 32,000.00
10	Drainage Structure Cover, Adj, Added Depth	10 FT	\$ 380.00	\$ 3,800.00
11	Drainage Structure Adj, Case 1	30 EA	\$ 860.00	\$ 25,800.00
13	Pavt Mrkg, Waterborne, 24 Inch Stop Bar	144 FT	3.00	432.00
14	Pavt Mrkg, Waterborne, 4 Inch Yellow	27,500 FT	0.13	3,575.00
15	Pavt Mrkg, Waterborne, 4 Inch White	5,500 FT	\$ 0.13	\$ 715.00
16	Pavt Mrkg, Waterborne, LTA	12 EA	\$ 60.00	\$ 720.00
17	Excavation, Earth	20 CY	\$ 50.00	\$ 1,000.00
18	Turf Establishment	40 SY	\$ 30.00	\$ 1,200.00
19	Gate Box, Adj, Case 1	2 EA	\$ 450.00	\$ 900.00
20	Pavt, Mrkg, Temp, Type R, Yellow	2,000 FT	\$ 1.00	\$ 2,000.00
21	Pavt, Mrkg, Temp, Type R, White	2,000 FT	\$ 1.00	\$ 2,000.00
	TOTAL			\$ 770,242.00

Attachment: Ace Bid (5161 : 2021 Pavement Preservation - Center Rd and McLaren)

8

The undersigned hereby agrees that if the foregoing proposal shall be accepted by the Owner, he will, within fifteen (15) consecutive calendar days after receiving notice of the acceptance of such proposal, enter into contract, in the appropriate form, to furnish all labor, materials, tools, and construction equipment necessary for the full and complete execution of the work at and for the prices named in this proposal, and he will furnish to the Owner all required insurance certificates and policies, and furnish such surety as shall be approved by the Owner for the faithful performance of such contract and for the payment of all materials used in this work and for all labor expended thereon and for the maintenance and guarantee of his work as shall be approved by the Owner.

The attention of the undersigned is directed to the liquidated damages provision of the contract documents. The undersigned hereby agrees that if this proposal be accepted by the Owner, he will complete the entire work of the contract within the specified number of consecutive calendar days after being notified to proceed, and if the work is not completed in the designated time, the liquidated damages specified shall be deducted from any money due the Contractor.

Project to be opened to traffic throughout construction.

Project shall be to complete all work within the schedule specified in this proposal.

The successful Bidder

The undersigned has attached hereto a (Bid Bond) (Certified Check) in the sum of 5% of Bid

(\$) as required in the "Advertisement" and the undersigned agrees that in case he shall fail to fulfill his obligations under the foregoing proposal and agreement, the Owner may, at its option, determine that the undersigned has abandoned his rights and interest in such proposal, and that the certified check or bid bond accompanying his proposal has been forfeited to the said Owner, but otherwise, the said certified check or bid bond shall be returned to the undersigned upon the execution of such contract and the acceptance of his bonds and insurances or upon the rejection of his proposal.

The undersigned affirms that in making such proposal neither he nor any company that he may represent, nor anyone on behalf of himself or his company, has directly or indirectly entered into any collusion, undertaking, or agreement with any bidder to maintain the prices of said work, and further affirms that such proposal is made without regard or reference to any other bidder or proposal and without any agreement or understanding or combination, either directly or indirectly, with any other person or persons with reference to such bidding.

In submitting this bid it is understood that the right is reserved by the Owner to waive any informality in bids, to reject any or all bids, or accept any bid or combination of bids, which is considered most favorable to the Owner.

The Owner reserves the right to decide which divisions will be constructed under this contract. Once the bids are received, the scope of the work will be decided.

Bidder acknowledges receipt of the following addenda(s): None

Dated and signed at City of Flint, State of Michigan, this 15th day of July, 2021.

Name of Bidder Ace-Saginaw Paving Company

By: 

Michael Hlavacek, Project Manager

Address: 115 S. Averill Avenue, Flint, MI. 48506

Telephone: 810-238-1737

Attachment: Ace Bid (5161 : 2021 Pavement Preservation - Center Rd and McIaren)



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 08/02/21 07:00 PM
Department: Department of Public Works
Category: Contract
Prepared By: Amber Abbey
Department Head: Charles Abbey

K.5

SCHEDULED

AGENDA ITEM (ID # 5162)

DOC ID: 5162

Approve and authorize the Mayor and City Clerk to execute a contract with RW Mercer P.O. Box 180 2322 Brooklyn Rd. Jackson, MI 49204, for the removal of underground fuel tanks at the DPW and the Police Department and the install of new aboveground fuel tanks, for the Not-to-Exceed fee of \$219,999.

ATTACHMENTS:

- City of Burton AST (PDF)
- Award Recommendation_Burton AST (003) (PDF)



PETROLEUM PROPOSAL/CONTRACT

Page 1 of 3

2322 Brooklyn Rd. Jackson, MI 49203 (517) 787-2960 ph. (517) 787-8111 fax	4585 Executive Drive Portage, MI 49002 (269) 321-2280 ph. (269) 321-2285 fax	3366 Three Mile Rd., NW Walker, MI 49544 (616) 453-7444 ph. (616) 453-7813 fax	12870 Inkster Rd Redford, MI 48239 (313) 286-3300 ph. (313) 766-4850 fax	3124 Commerce Center Dr. Saginaw, MI 48601 (989) 753-4016 ph. (989) 753-9360 fax	2801 Dickerson Rd. Gaylord, MI 49734 (989) 732-2971 ph. (989) 732-5329 fax	4022 Merchant Rd. Ft. Wayne, IN 46818 (260) 489-3566 ph. (260) 489-0738 fax
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Legal Company Name

City of Burton

Proposal Submitted to

Amber Abbey

Phone

810-742-9230

Fax

Date

7/27/2021

Street Address

4303 S. Center Road

Site Name

DPW/Police Department

Job #

Site Phone

City, State, Zip Code

Burton, MI 48519

Site Location - Address

4093 Manor Dr/4090 Manor Dr, Burton, MI 48519

Contact Email

Job Description

UST Removal & AST Replacement

Proposal Submitted By:

Jason R. Foster

We appreciate the opportunity to submit the following proposal.

Please review the following Scope of Work:

DPW

A) EXCAVATION:

Saw cut and break out concrete and asphalt over existing USTs, piping, and fuel island.
Excavate as necessary for removal of all piping, dispensers, and (1) 10,000 gallon UST.
Backfill tank void with class II sand.

B) TANKS:

Install (owner furnished) 4,000 gallon AST with dispenser, submersible pump, level gauge, leak gauge, and fuel management system.

C) LIGHTING:

Furnish and install one (1) light fixture on existing light pole.

D) PIPING:

Remove/dispose of existing piping up to 60 LF.

E) ISLANDS:

Remove/dispose of existing fuel island.

F) ASPHALT:

Prep and pave 2" 1100L HMA leveling course, apply bonding coat, then pave 1100T HMA top course up to 1,800 sq. ft.

G) CONCRETE:

Prep and pour 8" thick, rebar reinforced concrete tank slab with thickened concrete under saddles, up to 600 sq. ft.

Prep and pour 8" thick concrete fueling slabs adjacent to tank slab on either side of tank, up to 1,600 sq. ft.

Furnish and install twenty eight (28) bollards around AST/dispenser for impact protection.

H) PERMITES:

Submit for LARA AST plan review.

All UST closure reports and sampling/analysis to be performed by owner's environmental consultant.

I) ELECTRICAL:

*Standard R.W. Mercer Co. Terms and Conditions will apply including winter/frost clauses.

Attachment: City of Burton AST (5162 : Underground remove and aboveground install of fuel tanks)



PETROLEUM PROPOSAL/CONTRACT

Page 2 of 3

Lock out/tag out power to existing fuel system and disconnect, cut back conduits, and abandon in place.

Furnish and install new conduit/wiring for (1) submersible pump, (1) dispenser, and (1) fuel management system.

Furnish and install (1) conduit/wire for communication.

J) SERVICE:

Provide labor for installation of equipment, startup, purging/calibration, and training.

\$ 120,596.00

Police Department

A) EXCAVATION:

Saw cut and break out concrete and asphalt over existing UST.

Excavate as necessary for removal of all piping, dispensers, and (1) 2,000 gallon UST.

Remove, haul and dispose of 450 tons of impacted soils.

Backfill tank void and excavation with class II sand.

B) TANKS:

Install (owner furnished) 4,000 gallon AST with dispenser, submersible pump, level gauge, leak gauge, and fuel management system.

C) PIPING:

Remove/dispose of existing piping.

D) ISLANDS:

Remove/dispose of existing fuel island.

E) CONCRETE:

Prep and pour 8" thick, rebar reinforced concrete tank slab with thickened concrete under saddles, up to 600 sq. ft.

Furnish and install twenty eight (28) bollards around AST for impact protection.

F) PERMITES:

Submit for LARA AST plan review.

All UST closure reports and sampling/analysis to be performed by owner's environmental consultant.

G) ELECTRICAL:

Lock out/Tag out power to fuel system and disconnect existing dispenser/card reader.

Reconnect existing wire/conduit to new STP, dispenser, and card reader.

H) SERVICE:

Provide labor for installation of equipment, startup, purging/calibration, and training.

\$ 99,403.00

NOTE:

- Due to the significant increases/volatility of pricing for steel, copper and PVC, that are being assessed by certain vendors, R.W. Mercer Co. shall not be responsible for any price increase it may receive from manufacturers or suppliers that are made without notice prior to shipment. Such unanticipated increases in price shall be applied directly to the Contract Sum and paid by Owner including applicable mark-up and taxes
- Does not include dewatering, environmental testing, removal or disposal of contaminated soils or liquids if found.
- Price assumes all equipment will be owner furnished and come pre-piped/wired with all ancillary equipment installed.
- Price assumes all conduit/wire at Police Department can be reused.

*Standard R.W. Mercer Co. Terms and Conditions will apply including winter/frost clauses.

Attachment: City of Burton AST (5162 : Underground remove and aboveground install of fuel tanks)



PETROLEUM PROPOSAL/CONTRACT

Page 3 of 3

- DPW trench to be backfilled with existing material and compacted to grade to match surrounding unpaved areas

We propose to furnish the above, in accordance with the specifications as referenced below, for the **TOTAL SUM** of:
Two Hundred Nineteen Thousand, Nine Hundred Ninety Nine Dollars and NO/100.....\$219,999.00

Acceptance: Customer hereby accepts the Terms and Conditions set forth on the reverse side of this contract. Customer is responsible for all sales, use and other governmental taxes and charges, which are not included in the price unless expressly stated. R.W. Mercer Co. is authorized to perform the work as specified. This Proposal/Contract is subject to credit approval and may be revoked before acceptance.

Note: Once this proposal is approved, you will receive a contract electronically for signature.

Attachment: City of Burton AST (5162 : Underground remove and aboveground install of fuel tanks)

**Standard R.W. Mercer Co. Terms and Conditions will apply including winter/frost clauses.*



ARCHITECTS. ENGINEERS. PLANNERS.

July 23, 2021

Amber Abbey, DPW Deputy Director
City of Burton
Department of Public Works
4093 Manor Drive
Burton, MI 48519

RE: 2021 DPW And Police Station Fuel Tanks
OHM JN: 4047-21-0030

Dear Ms. Abbey:

Sealed bids were received and publicly read aloud on Wednesday July 14, 2021, at the City of Burton Clerks Office at 12:00 PM. We have reviewed the bids and attached the Bid Tabulation for your information. The bidders are as follows:

Contractor	TOTAL BID
DHT Excavating	\$262,950.72
R.W. Mercer Co.	\$219,999.00

The project scope consists of providing a design-build proposal for the removal of the existing underground fuel storage tanks and replacement with above ground fuel storage tanks at the DPW and Police Station. The City of Burton will be furnishing the new above ground fuel storage tanks and associated fuel management systems for installation by the contractor.

R.W. Mercer Co. is the low bidder for this project with a bid of \$219,999.00. Based on feedback from provided references, it has been determined that R.W. Mercer Co has satisfactorily completed projects for multiple private and public entities in the area. They have been in business for nearly 50 years and have an acceptable amount of experience in the petroleum industry. Therefore, we recommend award of this contract to R.W. Mercer Co. in the amount of \$219,999.00 per the unit prices bid for the project.

Should you have any questions regarding this recommendation, please do not hesitate to give me a call at (248) 751-3107.

Sincerely,
OHM Advisors

Mark Landis, P.E.
Project Manager

Encl: *Bid Tabulation*
cc: Peter Wingblad, Superintendent of Engineering and Inspection
Michael Campos, OHM Advisors

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Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 08/02/21 07:00 PM
Department: Controller's Office
Category: Budget
Prepared By: Jodi J. Holbrook
Department Head: Jodi J. Holbrook

K.6

SCHEDULED

AGENDA ITEM (ID # 5164)

DOC ID: 5164

**Budget Amendment Approve and authorize the following
2021-2022 budget amendment: Increase 2007-2007-975.0002
Gasoline Storage Tank by \$85,000; Decrease Police Fund
Balance by \$85,000.**



Burton City Council
4303 S. Center Road
Burton, MI 48519

Meeting: 08/02/21 07:00 PM
Department: Controller's Office
Category: Budget
Prepared By: Jodi J. Holbrook
Department Head: Jodi J. Holbrook

K.7

SCHEDULED

AGENDA ITEM (ID # 5165)

DOC ID: 5165

**Budget Amendment Approve and authorize the following
2021-2022 Capital Expenditure Amendment: Increase DPW
Gasoline Storage Tank by \$71,000; Decrease General Fund
Balance by \$71,000.**

ATTACHMENTS:

- Capital Expenditure Amendment 2021-22 08-02-2021 DPW (DOC)

INTEROFFICE MEMORANDUM

To: Mayor Duane Haskins
From: Controller Jodi Holbrook
Date: July 28, 2021

Re: Memo of Explanation for
City Council Meeting of 08/02/2021

Mayor Haskins:

I am requesting that Council approve a Capital Expenditure amendment for the DPW gasoline storage tank as follows: Increase DPW Gasoline Storage Tank by \$71,000; Decrease General Fund Balance by \$71,000.

The amount previously approved for the installation of the new gasoline storage tank was estimated to be \$50,000. After a sealed bid process, the total cost is \$120,596 installation, startup, purging/calibration, and training for the new DPW gasoline storage tank.

Attachment: Capital Expenditure Amendment 2021-22 08-02-2021 DPW (5165 : Budget Amendment)