



CITY OF BURTON
BURTON CITY COUNCIL MEETING
AUGUST 8, 2019
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Vice President Duane Haskins at 7:00 PM.

A. INVOCATION LED BY: THOMAS MARTINBIANCO

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

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Duane Haskins	Vice President	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	President	Excused	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Christina Conley	Councilwoman	Present	

D. STAFF PRESENT

Paula Zelenko, Mayor
Rik Hayman, Chief of Staff
Amanda Doyle, Attorney
Bette Bigsby, Acting Clerk
Charles Abbey, Deputy DPW Director
Bob Slattery, DPW Director
Kirk Wilkinson, Acting Fire Chief
Mike Vogt, Fire Department
Karen Moffitt, Controller
Mike Odette, Police Chief

E. APPROVAL OF MINUTES

1. City Council - Budget Workshop - May 29, 2019 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED:	Heffner

2. City Council - Regular Meeting - Jun 17, 2019 7:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

3. City Council - Public Hearing - Jul 15, 2019 5:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

4. City Council - Public Hearing - Jul 15, 2019 5:15 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

5. City Council - Public Hearing - Jul 15, 2019 5:30 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

6. City Council - Public Hearing - Jul 15, 2019 5:45 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

7. City Council - Public Hearing - Jul 15, 2019 6:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

8. City Council - Public Hearing - Jul 15, 2019 6:15 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

9. City Council - Public Hearing - Jul 15, 2019 6:30 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

10. City Council - Public Hearing - Jul 15, 2019 6:45 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

11. City Council - Regular Meeting - Jul 15, 2019 7:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

12. City Council - Special Meeting - Jul 22, 2019 6:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED:	Heffner

F. ADMINISTRATIVE REPORTS

Mayor Zelenko stated the Treasurer has provided the investment report

Mayor Zelenko asked for a Closed session under 8H of the Open Meetings Act.

Motion was made by Mr. Smith and seconded by Mrs. Conley to go into closed session.

Yes votes: Mr. Martinbianco, Mr. Wells, Mr. O'Keefe, Mr. Smith, Mr. Haskins, Mrs. Conley

No votes: None.

Absent: Mr. Heffner.

Council went into closed session at 8:20 PM.

Council returned from closed session at 8:29 PM.

1. Update and Presentation by Woodhill Group

Mayor introduced Colleen Coogan from the Woodhill Group to do a presentation.

Colleen Coogan from the Woodhill Group stated we came to you about a year ago with a suggested rate methodology. What we determined was there was lack of equitable allocation of costs in your rate structure. We then recommended changes and some of those changes required ordinance amendments which you have done. You also directed us to go back to see if we could find any cost savings or additional revenue and we have done that. Part of the presentation tonight are the additional revenue possibilities we have found. We also assisted your staff in changing the bill format so it is more readable for your customers. You also have on your agenda tonight, a few more ordinance changes because in the process of looking at activities in water and sewer, we found some areas of efficiencies that could occur as well as needed operational changes in the ordinances in order to accomplish that. So, tonight, we will be covering the fee structure. We just presented this to your Water and Sewer Work Group from whom we have received a great amount of feedback. The adjusted fee structure is in your packet. Ms. Coogan provided a presentation that included the following:

- Explanation for fees and rates
- Specific user fees- charging specific users for specific activities that are creating costs
- Michigan Department of Environmental Quality (MDEQ) is a cost that is out of your control such as cross connection, testing sprinkler lines, FOG (fats, oils and grease) tests for restaurants all required inspections- this is an expensive process and we are not charging enough.
- Customers with an additional water source (well)

- Customer-initiated final bill request- not currently charging for it.
- Water turn on/off requests, nonpayment and tenant vacancies. These costs are unrecovered.
- Landlord subsidies- 231 who have signed affidavit. This pushes the burden of collection on the city. We currently have no collection process. We are writing off money every year that we will never collect. Other users are currently subsidizing the landlords.
- Keeping rates lower will require the city to accurately charge the fees where they need to be charged.

2. Update and Presentation by Stantec

Mayor Zelenko introduced Dima Al Gammal and Spencer Cane from Stantec to do a presentation.

Mrs. Al Gammal stated in 2012 we discussed issues the city was facing relative to the water system. We are here to talk about the water system DWRf success story and recap of what we have done. Mrs. Al Gammal and Mr. Cane provided a presentation that included the following:

- Need for Drinking Water Revolving Fund (DWRf): aging infrastructure, water main breaks, water loss, strain on personnel and resources, impacting tank operation and loss in reliability/fire protection
- We accomplished: 5 segment water main project, 19 miles of water main replaced, 2 Pressure Regulating Valves PRVs replaced, 1 PRV rehabilitated, \$22 million in infrastructure improvements
- Recognition: Michigan Rural Water Association named the City of Burton Utility of the Year in 2014, Aquaruis Nomination- Best project in the state, \$22 million worth of improvements, 2.5% low interest loan for 30 years, \$2.8 million in principal forgiveness, PVC pipe saved \$2 million

Mr. Marshke stated water loss decreased from 30% to less than 5% monthly. Since completion in the fall of 2018 and both were outside the tower district. Man hours decreased from 800 hours to 50 hours. The elevated tank operating level went from 20% to 80% on average, water quality complaints have gone down to next to nothing. Also, disinfection levels in the water have come up dramatically.

Mrs. Al Gammal stated our waste water system needs improvement. She encourages the city to look at the results of the asset management program and consider addressing the sewer system the same way you addressed the water.

Mr. Marshke stated I am sure you are aware of the Inflow & Infiltration (I&I) issues into the sanitary sewer system through illegal connections, sump pumps, manholes in ditches that are under water, leads to homes and missing clean-outs. Genesee County Water and Waste is under an ultimatum: either build a larger treatment plant or outer-lying communities need to get a handle on their I&I issues. They can start fining us as of 2021 and I expect them to do so. As your Utility Superintendent, I am imploring you to reach out for some SRF funding for the sewer system.

Mrs. Al Gammal stated since you got the SAW Grant and completed your asset management program, if you go for SRF funding, you would receive high ranking and looked at by the state with high priority.

Mr. Martinbianco stated this is a carrot and stick approach. The county is going to make it incumbent on us to mitigate the I&I issues and that puts the burden on us to find out where the issues are coming from. Does the county have some culpability?

Mrs. Al Gammal stated the county will have requirements on each community that contributes flows to the county to use their I&I. They don't have jurisdiction over your system and are concerned about the flow going into their system. They will bill you based on that flow.

Mr. Martinbianco stated the issue is how will they identify where the flow is coming from?

Mrs. Al Gammal stated we have to think about this two fold. We have structural issues within the asset management program that we can address as well as I&I issues that can be addressed if the city desires.

Mr. Wells asked what is the ETA to go back and smooth the roads out in the south end? One side is paved and the other side is not paved.

Mr. Abbey stated you decided as a council to keep costs down and to only do those roads that were really bad. There were a couple that were so bad you agreed we had to do the whole thing; Whittemore, Boatfield and Columbine. Otherwise, they only replaced the side of the road they disturbed while putting the water main in. If you want this done, it will take additional funding. That is another project in local streets that we can talk about in the future. We have done a lot this year with surface maintenance and we can do that on local roads.

Mr. Wells stated let's make sure we aren't paving a road and then going back in and tearing it up to put a sewer line in.

Mr. Abbey stated we have had discussions with Consumers, other utilities and the drain office to coordinate anything that may be on the horizon for three years in the future. Hopefully, this will help.

Mrs. Conley stated she agrees with Mr. O'Keefe that we haven't made the right decisions with our water and that's why we have an unhealthy water fund. I feel it's hard to put it on the residents all at once.

Mr. Smith stated our sewer fund is much healthier than our water fund. We have this as an option. We don't know where the water is coming from. If we have the financial means to make repairs, this may solve two problems at once.

3. July 2019 Investment Report

4. Motion to add to the agenda: Approve and authorize the Mayor to enter into a Severance Agreement with Sue Warren.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED:	Heffner

G. COMMITTEE REPORTS

None.

H. AUDIENCE PARTICIPATION

Chris Metropoulos of Burton stated he is the Battalion Chief at Fire Station #2. He has been with the Fire Department for almost 22 years. He highly recommends Kirk Wilkinson for the position as Fire Chief for the City of Burton. He recognized Mr. Wilkinson for his professionalism, knowledge and leadership ability.

Dan Lince of Burton stated he is here in support of Assistant Chief Wilkinson and the promotion to the position of Fire Chief. He has worked with Mr. Wilkinson for the last 14 years. He is a good mentor and leader.

Carrie Paulson of Clio stated he is with the Clio Fire Department and has worked with Mr. Wilkinson on the Fire Chief's Association. He is a good supporter of the entire county. He recommends him for the position of Fire Chief.

Robert Carinduff, City of Fenton Fire Chief stated he has worked with Assistant Chief Wilkinson on many projects through the Chief's Association and various committees. He is a great candidate for Fire Chief.

Robert Burdette, Grand Blanc Township Fire Chief stated he would like to voice his support for Assistant Chief Wilkinson. He is a great individual and dedicated to the department.

Cheryl Sclater of Grand Blanc stated for several years she has worked with Mr. Wilkinson on community events. He leads by example and has worked to help children through many events. She highly recommends Mr. Wilkinson to the position of Fire Chief.

Larry Kopacz of Burton stated he has an off-agenda request. He has a garage on property that is supposed to be in the demolition process. He is requesting that City Council allow him to demolish it himself.

Bob Johnson of Burton congratulated the candidates who made it through the Primary Election. He congratulated Kirk Wilkinson on his nomination for Fire Chief. He is proud of him and Doug Halstead would be proud. Thank you Mayor for your decision to appoint Mr. Wilkinson. Who will be filling the Assistant Chief position?

I. COUNCIL DISCUSSION

Mr. Okeefe stated he has a request for hand-outs for power point presentations. When you have a print-out, you can make notes on it and refer to it later. He feels like he missed a lot on both presentations tonight.

Mayor Zelenko stated she agrees and thought they were going to bring hard copies. She will get print-outs from tonight's presentations for the council.

Mr. Martinbianco stated Mr. Kopacz's garage is dilapidated. He asked if it has gone to bid for demolition.

Mr. Abbey stated he is unsure. We had tried several times to get it removed. There is also a big truck on the property that we couldn't haul away because we don't have equipment big enough to haul it. We called our tow company and they said they would need special equipment. The garage is only part of it. The other stuff will have to be removed as well. He will find out more information in the morning regarding where we are in the process.

Mr. Okeefe asked if the resident was notified of the meeting two weeks ago.

Mr. Abbey said, yes.

Mr. Smith stated prior council's have ignored the issues with the water fund. We are now in a structural deficit situation. We are being asked to look at changing the way we have done things. People who are not using services are paying for it. These people are benefiting from these services at the expense of the majority of our water customers. We are trying to correct this. This is a tough vote especially for those in political races right now. If we miss this opportunity tonight there will be negative ramifications to our residents. This is the first step in the process to correct it. I am asking the council to do what's right and show leadership with this vote. It will benefit the entire city.

Mr. Wells stated we saw this presentation two hours ago and now we are voting on it. This is a lot of money we are putting on people through no fault of their own. This is admittedly our fault. I would like some time to digest it. I don't want a deficit in the water department and I will do the right thing but we need time to see how the numbers were put together.

Mr. Haskins stated this is only the first reading. We have time for research. This just gets the ball rolling.

Mr. Abbey said this is about getting the right rate-payer to pay their fair share. These ordinances do not do that. You will still be able to control what happens with the rates and rate increased through resolution. This is a methodology change in sewer and water. This is never easy. For many years, we have tried to justify why not to do it. The numbers are what we pay for the commodity and what it takes to run the system. You can't pay more than you take in.

Mr. Wells stated we need clarification. I don't have the ordinance in my packet. Are we changing the wording or the fees?

Mr. Hayman stated tonight isn't about rates. It is about fees. Rates and fees are not interchangeable.

Mayor Zelenko provided copies of the ordinance. She stated the Woodhill Group gave you a presentation of their recommendation of fee changes so the fees are being charged to the people who are using those services. What you are voting on tonight is changing some of the language of the water and sewer ordinance so you have the ability to change those fees through a resolution. We are not raising or changing any fees or rates tonight.

Mr. Martinbianco stated we are bleeding in the water fund at a rate of \$60,000 a month. When that fund is bankrupt and Jeff Wright comes and shuts the water off, then what are we going to do? We will find out what the county commodity charge is later this month when the Karegnondi Board meets for their budget hearing.

Mayor Zelenko stated the Drain Commissioner put out a notice about the way they are changing the structure of their rates which takes effect in September. I have placed this notice in your mailboxes.

Mr. Wells asked if there is any other word from Lansing about the \$1.4 million that Mr. Sneller put into the state budget. This will help straighten out our water issues.

Mayor Zelenko stated this will help build our fund balance but not the structural problem.

Mr. Abbey stated if we get the \$1 million from the state it will get you to balance today but you will still bleed \$60,000 a month from that day forward.

Mayor Zelenko stated the Governor did put that in her budget. The legislature has not been in session to vote on their budget. We have a commitment from our Genesee County delegation in the senate and the house that the money needs to be in the budget and stay in the budget. Their fiscal year begins October 1st.

Mrs. Conley stated residents on Roberta are concerned with traffic speeding near Barhitte Elementary School.

Mayor Zelenko stated she will talk to the Police Chief about getting patrol over there.

Mr. Haskins stated we have heard a lot of testimony tonight about Chief Wilkinson. I started at the Fire Department in 1997 and I have personally fought fires and rescued people with him. He was a great leader and mentor. I don't think there is a person in the city that can compare as far as ability. He has continued the community involvement in the city and made it even bigger. His leadership and ability have proved to me that he is well worthy of the position of Fire Chief. He has my support.

Mr. Martinbianco would like to thank the former Chief, Marvin Epperson for the time he spent keeping the Fire Department going and keeping our city safe.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 7/10/2019 to 7/29/2019 in the amount \$6,977.25.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED:	Heffner

2. Approve and authorize the Attorney Billing (Masud) 6/01/2019 to 6/28/2019 in the amount \$3,185.23.

RESULT:	CARRIED [5 TO 1]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, O'Keefe, Smith, Conley
NAYS:	Wells
EXCUSED:	Heffner

3. Approve and authorize the Resolution 2019- of Intent to Sell the City Owned Properties.

Mr. Smith asked Mr. Abbey if we sold any properties on Monday.

Mr. Abbey stated we had the bid opening on Monday and they will come before you on the 19th. There were 4-5 that received no bids. Once you take final action on those, we will decide what to do the those that are remaining. We have received calls about the ones that received no bids.

Mr. Wells asked if the bidders are responsible for paying back taxes.

Mr. Abbey said, no. There is a minimum bid set.

Mr. Wells stated there are people living in some of these houses and whoever bought them is responsible for evicting them, correct?

Mr. Abbey said, yes and no. We do our best to remove them. We do allow some of those people that were renting from the previous owner when the house went up for bid to stay. Many expressed interest in bidding on the property so we wanted to wait and see if they won the bid. We have sent notices and will send them notices if they didn't win the bid once council makes action. After that, if council approves the sale, it will be up to the new owner to have the property vacated.

Mr. Wells stated he isn't sure if that is part of our process but after seeing the house on Sandy Lane, I thought maybe it should be a part of the process. That is, letting people live there until the bid process. The house on Sandy Lane is a very nice house but it has been destroyed by water. If someone had been living there, it easily would've been the first one sold.

Mr. Abbey stated we look at them each individually and try to use good judgement. If someone is in the home, keeping the heat on and paying the bills until this process works through, we have allowed them to stay. Otherwise, this incurs more costs.

Mr. Haskins stated if we are allowing people to live in city owned property, we need to direct this to the City Attorney. If something happens while they're in the house, isn't the city liable?

Mr. Abbey stated if you would like us to do it a different way, let us know.

Mr. Wells said, Kudos to Mr. Abbey for going outside the box here.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

4. Approve and authorize the acceptance of the low bid from Michigan Overhead Door and Loading Dock for the purpose of replacing the garage doors at Fire Station #3.

Mr. Smith asked if this is in the Fire Department budget.

Chief Wilkinson said, yes.

RESULT: CARRIED [UNANIMOUS]
MOVER: Christina Conley, Councilwoman
SECONDER: Dennis O'Keefe, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

5. Approve and authorize the Mayor's appointment of Kirk Wilkinson, 2222 McLaren St., Burton, MI 48529 as City of Burton Fire Chief.

Acting Clerk, Mrs. Bigsby swore in Fire Chief, Kirk Wilkinson.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

6. Approve and authorize the Mayor to enter into a Severance Agreement with Sue Warren.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Wells, Smith, Conley
EXCUSED: Heffner

K. FIRST READING OF ORDINANCE

1. Approve and authorize the First Reading of an Ordinance to amend Chapter 51 of the City of Burton Code of Ordinances by the removal of connection application language and the amendment of dates for certifying delinquent charges; and to provide the penalty for the violation thereof

Motion was moved by Mr. O'Keefe and seconded by Mr. Smith.

Yes votes: Mr. Martinbianco, Mr. Wells, Mr. O'Keefe, Mr. Smith, Mr. Haskis, Mrs. Conley

No votes: None.

Absent: Mr. Heffner.

2. Approve and authorize the First Reading of an Ordinance to amend Chapter 52, Sewer of the city of Burton Code of Ordinances by the addition of language addressing continuing balances, interest, and dates of certification of delinquencies and to provide the penalty for the violation thereof.

Motion was moved by Mr. O'Keefe and seconded by Mr. Martinbianco.

Yes votes: Mr. Martinbianco, Mr. Wells, Mr. O'Keefe, Mr. Smith, Mr. Haskins, Mrs. Conley

No votes: None.

Absent: Mr. Heffner.

L. SECOND READING OF ORDINANCE

1. Approve and authorize the Second Reading OF AN ORDINANCE TO AMEND CHAPTER 140 OF THE CITY OF BURTON CODE OF ORDINANCES BY THE REGULATION OF THE USE OF CONSUMER FIREWORKS

Motion was moved by Mr. Wells and seconded by Mr. O'Keefe.

Yes votes: Mr. Martinbianco, Mr. Wells, Mr. O'Keefe, Mr. Smith, Mr. Haskins, Mrs. Conley

No votes: None.

Absent: Mr. Heffner.

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

Meeting was adjourned at 9:22 PM.
