



CITY OF BURTON
BURTON CITY COUNCIL MEETING
DECEMBER 19, 2022
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:00 PM.

A. INVOCATION LED BY: GREG FENNER

Mr. Fenner recognized a moment of silence for the passing of Bob Wilson who was a member of our Parks & Recreation Commission and involved in our Veteran Ceremony for many years.

B. THE PLEDGE OF ALLEGIANCE IS LED BY: GREG FENNER

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Present	
Greg Hull	Councilman	Present	
Christina Hickson	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Approve the agenda as presented.

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

E. STAFF PRESENT

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

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Dec 5, 2022 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

G. ADMINISTRATIVE REPORTS

Mayor Haskins gave a report on the following:

- We all have heavy hearts with the passing of Bob Wilson. He was appointed to the Parks & Recreation Commission in 2014. He had a huge passion for the City of Burton. He was a member of the DAV and VFW and served the military for 32 years. Prayers for his wife and family. Bob will be missed.
- We were finally able to find office chairs that City Council budgeted for. We are getting them ordered and should have them in a couple months.
- For the first time ever, we have an elected official appointed to the Executive Board of the Genesee County 911 Consortium. Congratulations to Mr. Fenner. I know you will serve us well.
- Reminder, City Hall is closed December 23rd until January 3rd. There are no bills that are due during that time.
- The winners of the 'Twas the Lights Before Christmas: Third Place and judges Choice was the Tyler household on Fox Run. Second Place and Best Holiday Spirit Award was the Wilson household on Dudley Street. Our First Prize Winner and Clark W. Griswold Award goes to the Smith household on East Bristol Road. Congratulations to the winners and thank you to all those who participated. A special thank you to the seniors who volunteered to judge the contest.

H. COMMITTEE REPORTS

Mr. Hull stated it was a pleasure serving with Bob Wilson on the Parks & Recreation Commission.

I. AUDIENCE PARTICIPATION

Patrick Dargel of Hughes Street in Burton spoke and posed questions regarding the engineering for Belsay Road between I69 and Lapeer Road, state funding for MERS, and tax reverted property.

Chris Henessey of Fleis and Vandenbrink Engineering spoke regarding a DNR Spark Grant and a resolution needed by City Council. This can be used for park improvements such as restrooms, parking and other improvements at Kelly Lake Park. I would encourage the council to share ideas with the Mayor and city staff.

Mr. Heffner stated he would like to see it used for Settlement Park. If you can find the information on this park and give it to the administration, that would be helpful.

Discussion continued on DNR Spark Grant.

Rick Fuhst of Forest Avenue would like an update on if we are gaining ground with the extra \$1 million MERS payment and contributions by employees. How many more of these payments will we need to make?

J. COUNCIL DISCUSSION

Mr. Smith stated we had a meeting with Plante Moran and we are making progress with MERS. I think we are 52-55% funded. Next year, our equities will drop by an estimate of \$4 million. Tonight we will have to discuss whether we want to make another \$1 million payment on December 31st because the state is providing municipalities funding up to 60%. We need to decide if it is wiser to keep the money until the state provides funding in April. The City of Burton has a Retail Committee and we went to a conference and a company called Retail Strategies was there. They assist municipalities in retail recruitment. We have done this in the past with The Retail Coach who would not provide the council sufficient updates on their progress. The difference between the two companies is that Retail Strategies has assured us that they will give consistent feedback through software so the council and administration can keep track of the companies they are in contact with. I have reached out to several municipalities in Illinois, Tennessee, Virginia and Ohio who have used Retail Strategies. Two municipalities have contacted me back. One had a very positive experience with the company and the other was not as positive. This is going to be a long term process. I also contacted Retail Strategies who stated they are expanding into Michigan in 2023 and will be available for a Zoom presentation at any time. I would like to have a Retail Committee Meeting at 6:00PM in January.

Mr. Martinbianco stated the first meeting will be more organizational. We will need to set a goal and objectives as well as the process we will use to prioritize.

Mr. Smith will send out the packet to Committee members from Retail Strategies as soon as he receives it. It is an open meeting and he welcomed everyone to attend. Anyone who would like the information I have received, I am more than happy to send it to you.

The Retail Committee scheduled a meeting on January 19, 2023 at 6:00PM.

Mr. Hull stated around the corner from my house, I noticed there is a billboard on Bristol Road that says Merry Christmas and Happy New Year from the Burton City Council. All of the council members names are listed except mine and Mr. Fenner. I am curious, who authorized this? It seems this should have been a decision made by the council as a whole. Why were we left off? It seems hard to believe that it was simply an oversight. Ironically, we are the only two that live in the south side where it is located. Why was I left off the billboard?

Mrs. Conley stated the council didn't pay for it.

Mr. Heffner stated the City didn't pay for it.

Mr. Hull stated this looks like it is a representation of the council as a whole because it says from Burton City Council.

Mr. Fenner stated I think this is a pretty simple question. Who organized it? Why did they represent the council as a whole? Are they allowed to represent the council as a whole without being the council as a whole?

Mr. Heffner stated I don't think it was a representation of the council as a whole.

Discussion continued on the writing on the billboard.

Mr. Hull stated it still begs the question of why we were left off?

Mr. Heffner asked Mrs. Conley, did you try to get a hold of them?

Mr. Hull said, no.

Mr. Fenner stated Mr. Hull and I generously donate to anything we are asked. The fact is that neither one of us were contacted. It does not say Burton City Council Members and then list your names. It says from Burton City Council. That is representing the council as a whole. Maybe we need the attorney's opinion?

Mr. Heffner stated I think we earned the title just like you earned the title. We have the right to use the title just like you do.

Mr. Fenner asked for the attorney's opinion regarding if council members can represent the council as a whole in this fashion without being the council as a whole.

Attorney Doyle stated without a vote of City Council, you cannot do something as a whole council. No one can act alone and represent the entire council. If it was council members listed separately that might be a different issue. If it says Burton City Council, that's tricky.

Mr. Hull stated I would still like to know why I was left off?

Mr. Heffner stated I didn't do it.

Mr. Fenner stated that was another question, who organized it? Somebody paid the billboard people and collected the money.

Mr. Heffner stated I think it looks nice. It adds a little color to a dreary area.

Mr. Hull stated it seems petty.

Mr. Fenner stated the DDA announced their Christmas Decorating Contest winners this morning. Third Place was Applied Ecosystem. Second Place was Winn's Lighting and First Place went to Ike's Small Engine Repair. One other question to Mrs. Abbey is the house on Judd Road, have they come in with an insurance bond?

Mrs. Abbey stated they have not. We have not heard from them. The deadline was 5PM today. The house is on the demo list. You will need to accept the bid.

Mr. Martinbianco stated construction engineering on Belsay Road is expected to begin in June?

Mr. Abbey stated probably July - September.

Mr. Martinbianco asked about the sale of city property.

Mr. Abbey stated they are in the process. The Attorney will do a quiet title and we will bring them to council for sale of property.

Mr. Heffner asked if anyone has driven down Saginaw Street to see the lights? Do you remember how much they cost?

Mayor Haskins stated around \$20,000-25,000.

Mr. Heffner stated we should do some lights on Center Road. There are a lot of businesses and homes there. I know it will cost more because the fixtures aren't on the poles.

Mayor Haskins stated I agree. The big thing will be the man power to get them up and working.

Mr. Smith stated we had the first reading for the gas station at the last meeting. There were a lot of questions last time. Can the administration fill us in?

Mrs. Abbey stated I did watch the video from the last meeting and I will try to address all your concerns tonight. The Zoning Board or Appeals is a board that is used as a tool when all other options are not able to be met. The ZBA should not be the first option nor should we promote it to be. The applicant is proposing a zoning change because it is more appropriate based on his future plans. If he moves forward with what he has planned, he will permanently alter the property. That type of investment should be protected as a permitted use and they should not be expected to get a variance every time they need to alter the property. What that means is, if he went the short route and got a variance and invested all this money into underground tanks, every time a change is made, he will be required to get another variance. When I give a recommendation to the planning commission, I remind them to take all permitted uses into consideration before making the action. This is a mechanism to review all uses that are allowed and understand that the applicant may sell the property some day and another permitted use might go in there. As for this property, the administration and planning commission examined the property and the uses around it before making an approval recommendation. One of the uses mentioned by the council was medical marijuana. I am here to assure you that it is not a permitted use within that zone. By approving a zoning change, you are not approving a medical marijuana facility nor is it a permitted use within that zone. This property would not even meet the requirements of that. This shouldn't be a consideration at all because it can't be there.

Mr. Heffner asked, what would stop it? When I looked it up, it was under C-2 uses.

Mrs. Abbey stated it is not a permitted use. It requires a special use permit from the Planning Commission which is a whole other consideration. On top of that, the property is too close to residential homes so it doesn't meet the requirements for that either. There are two things here that wouldn't allow that type of use. As far as the other three corners around this property, they are all vacant. The one that is in Burton is zoned C-1 and has been for sale for many years, has gone through the land bank and there is no interest in it. There has been zero interest in the C-1 zone so, why keep it? To change the zoning, allows for some investment opportunity here. C-1 zoning has been diluted by home occupations because most of the uses within this zone are similar to what you can now do within your home. A lot of people are choosing to do this such as a one chair beauty salon or sewing/tailoring. A lot of people do this from their homes now and don't rent, buy or build space to do that. Another thing we look at before recommending approval of a zoning change is if approval would create a spot zone and that is when a property is stuck right in the middle and it doesn't belong. This is not the case because the zoning next to this property isn't the same anyway. Regarding the site plan review issues that the council brought up at the last meeting, these are items that the Planning Commission will take into consideration during the site plan approval process. There is a council representative here who sits on the Planning Commission and all of these concerns you have can be brought at the time of the site plan review. The proposal here is a rezoning. It is not a gas station approval. That is the applicants plan but, it is not what we are here to do. We are not here to discuss the gas station. We are here to discuss a rezoning that will allow a gas station and again, all other uses within the C-2 zone. When looking at those uses, there is not a use that is permitted within the C-2 zone that would be inappropriate at this corner. That is why we recommended approval.

Mr. Martinbianco stated the property to the north is R-O zone and the east is residential. Whether it is vacant or not is immaterial. Under C-2 zoning, are they permitted to put a car wash in?

Mrs. Abbey said, yes. A car wash is permitted. I don't see physically how that would fit there but it is allowed.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 12/1/22 to 12/13/22 in the amount of \$4,201.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

2. Approve and authorize the 2023 City Council & Board of Review Meeting Calendar.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

3. Approve and Authorize the Mayor and City Clerk to execute a contract with OHM Advisors, G3101 West Bristol Road, Flint, MI 48507, for Construction Engineering of Belsay Road, Lapeer Road to I-69 (DPW Project No. 21-021-P), at an estimated cost of \$108,016.61, contingent upon approval of the City Attorney.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

4. Approve and authorize the City Treasurer to pay MERS a lump sum of \$1,000,000 via wire transfer by 12/31/22 to be applied to the unfunded liability of the City of Burton pension plan.

Mr. Smith asked for the council's opinion regarding making this payment now or waiting.

Mr. Heffner stated we need to stay the course. We went from being 32% funded to 56% funded by doing this. We don't know what the state is going to do.

Mr. Fenner stated I am more in favor of waiting it out for a little bit by sticking it in a certificate of deposit earning 4% on it until May.

Mr. Heffner stated if I remember right, didn't we write a letter of understanding with the state about this? It was during the Zelenko administration.

Mayor Haskins stated it was part of our corrective action plan. This was the only thing I recall when they changed the law requiring us to present what we were doing to take care our debt, pension and OPEB were both a part of this.

Mr. Hull stated can we just change the date to May 1st and not have to do anything else.

Mr. Abbey stated it doesn't need to be in May. We get the new MERS valuation sometime in January.

RESULT:	TABLED [UNANIMOUS]	Next: 1/19/2023 7:00 PM
MOVER:	Greg Hull, Councilman	
SECONDER:	Tom Martinbianco, Vice President	
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson	

L. FIRST READING OF ORDINANCE (TABLED ITEM)

1. Approve and Authorize ZC# 330 – Yatooma Oil, LLC; c/o Michael Yatooma 51300 Danview Technology Court, Shelby, MI 48315, requests a zoning change from C-1, Local Business District to C-2, General Business District on the following described parcels: being located at 4507 S. Center Rd., Burton MI 48519 and vacant Parcel 59-34-300-053 as follows: 4507 S. Center Rd., 59-34-300-038 described as: A PARCEL OF LAND BEG AT SW COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 191.5 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 191.5 FT TO PLACE OF BEG SEC 34 T7N R7E (90) FR 5900028128 59-34-300-053 described as: A PARCEL OF LAND BEG S 88 DEG 38 MIN 32 SEC E 191.5 FT FROM SW COR OF SEC COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 158 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 158 FT TO PL OF BEG SEC 34 T7NR7E (99) FR 59-34-300-037

Mr. Smith stated I would like to make a motion to un-table the first reading of the ordinance. Mr. Hull seconded the motion.

Mr. Martinbianco asked if the vacant property to the immediate east is part of the application.

Mrs. Abbey said, yes. Also, there is only one owner. At the last meeting Mr. Heffner thought the properties were owned by two different people. That is not correct, they are owned by the same people. I don't know where that came from.

Mr. Martinbianco stated there were two different individuals listed on the application.

Mrs. Abbey stated that says all interested parties, not owners. There are multiple people on all rezoning applications. There is usually an owner and someone interested in buying it.

Mr. Martinbianco asked if there is a reason the interested individual is not here tonight?

Mr. Abbey said, I talked to them and I don't know why they're not here.

Inaudible discussion occurred amongst council members.

Ms. Boggs stated there is a motion on the floor made by Mr. Smith and supported by Mr. Hull to un-table the first reading of the ordinance.

Mr. Heffner stated first off, I have to hear motions before they are recognized. They can say anything they want to say but, unless the chair hears it and recognizes it, it didn't happen.

2. Motion to untable First Reading of Ordinance: Approve and Authorize ZC# 330.

RESULT:	CARRIED [6 TO 1]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Greg Hull, Councilman
AYES:	Martinbianco, Smith, Fenner, Conley, Hull, Hickson
NAYS:	Heffner

3. Motion to Approve and Authorize the First Reading of Ordinance ZC# 330

Carried to second reading on Thursday, January 5, 2023.

RESULT:	CARRIED [4 TO 3]
MOVER:	Greg Hull, Councilman
SECONDER:	Gregory Fenner, Councilman
AYES:	Smith, Fenner, Hull, Hickson
NAYS:	Martinbianco, Heffner, Conley

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

Meeting was adjourned at 8:20 PM.



CITY OF BURTON
BURTON CITY COUNCIL MEETING
DECEMBER 5, 2022
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:00 PM.

A. INVOCATION LED BY: VAUGHN SMITH

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

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Vice President	Present	
Steven Heffner	President	Present	
Vaughn Smith	Councilman	Present	
Gregory Fenner	Councilman	Present	
Christina Conley	Councilwoman	Present	
Greg Hull	Councilman	Present	
Christina Hickson	Councilwoman	Present	

D. APPROVAL OF AGENDA

1. Motion to Approve the Agenda as Presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

E. STAFF PRESENT

Duane Haskins, Mayor
Racheal Boggs, City Clerk
Charles Abbey, DPW Direstor/HR
Jodi Holbrook, Controller
Dave Martinez, Building Official
Brian Ross, Police Chief
Kirk Wilkinson, Fire Chief

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Nov 21, 2022 7:00 PM

Minutes Acceptance: Minutes of Dec 5, 2022 7:00 PM (APPROVAL OF MINUTES)

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gregory Fenner, Councilman
SECONDER:	Tom Martinbianco, Vice President
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

G. ADMINISTRATIVE REPORTS

Mayor Haskins gave a report on the following:

- I hope everyone had a blessed and Happy Thanksgiving.
- The day after Thanksgiving, we had a blood drive at Fire Station #2. Thanks to everyone who was able to participate.
- Saturday, we had a great turnout for Pizza with Santa at Bendle.
- Prior to the next council meeting, Plante Moran will be here for the audit presentation at 6:00 PM.
- There is still time to enter the 'Twas the Lights Before Christmas Home Decorating Contest. Entries must be in by 5:00 PM Friday, December 9th. Judging will take place December 13-15 and winners will be announced at the next meeting on December 19th.
- As requested, the Building Official is here tonight in case there are questions about the demo properties.
- The Controller is here if there are any questions about the Hard Cap Public Act 152.

H. COMMITTEE REPORTS

Mr. Hull stated the December Parks & Recreation Commission Meeting is cancelled.

I. AUDIENCE PARTICIPATION

Tami Sowers of 2495 Clarice spoke regarding her property being removed from the demolition list.

Daniel Anger of 2495 Clarice spoke regarding the renovation taking place at his property. The finishing touches are all that is needed. I would like it to be removed from the demolition list.

Alan Squires of 4511 Cross Creek expressed concerns regarding the condition and excessive traffic on Genesee Road.

Chelsea Gutter of 2079 Judd Road spoke regarding the status of her home and having it removed from the demolition list.

J. COUNCIL DISCUSSION

Mr. Martinbianco asked for an update on Genesee Road.

Mr. Abbey stated that is a funded project scheduled for next year.

Discussion ensued regarding Gilkey Creek Drain bridge.

Mr. Smith expressed appreciation to everyone involved in the City of Burton Project Heats On. He also asked the council for thoughts regarding Retail Strategies that we spoke about at our last meeting.

Mr. Martinbianco stated it sounds like a great idea and seems like it will be more cost effective than the prior group. I would like to look more into it after the first of the year.

Mr. Fenner would like the Retail Committee to discuss it and bring it to council. In the meantime, I would like to reach out to our neighboring cities to see what is working for them.

Mrs. Hickson stated it is a good idea but I agree with Mr. Fenner that we should reach out to neighboring communities.

Mr. Smith stated City Hall is closed for the holidays, what are the dates and when are bills marked as paid if they are paid during the holidays. Will the holiday dates be on the sign in front of City Hall?

Mayor Haskins stated City Hall is closed beginning Thursday, December 22nd at 5:00PM until Tuesday, January 3rd at 9:00AM. There are no billing due dates set between those time frames. Yes, we will put it on the sign.

Mr. Martibianco asked if next years meeting schedule and the MERS payment will be on the next council agenda?

Ms. Boggs stated the city calendar is complete and will be on the next meeting agenda.

Mayor Haskins stated the MERS \$1 million payment should be on the next agenda as well.

Mr. Heffner expressed concerns about Consumers Energy on Lapeer Road. They have patched holes but missed some on Munson Street by Kelly Lake.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 11/16/22 to 11/30/22 in the amount of \$4,003.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Hickson, Councilwoman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

2. Approve and authorize the Mayor's appointment of Don Jones, 6057 Brookwood Burton, MI 48509 to City of Burton Planning Commission, term serving December 2022 through December 2025.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Tom Martinbianco, Vice President
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

3. Approve and authorize the Council appointment of Scott Hynes, 4370 Sunnymead, Burton, MI 48519 to City of Burton Zoning Board of Appeals, term serving December 2022 through December 2025.

Mr. Heffner would like to receive a notification of these appointments before they are placed on the agenda.

RESULT: CARRIED [UNANIMOUS]
MOVER: Christina Conley, Councilwoman
SECONDER: Christina Hickson, Councilwoman
AYES: Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

4. Approve and authorize the "Hard Cap" Resolution 2022-29 regarding the cost sharing model set forth in State of Michigan Public Act 152 of 2011.

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

5. Approve and authorize the Mayor and City Clerk to sign Resolution 2022-30 Local Government Approval for a request for a new liquor license by Spymaker Axe Throwing, Inc., located at 1235 South Center Road, Suite 1-6, Burton, MI. 48509 and forward recommendation of approval to the Michigan Liquor Control Commission (MCL 436.1501).

Mr. Martinbianco asked if this is a new license or a transfer and how many do we have available.

Mayor Haskins stated it is a new one that is being applied for. There are two or three available.

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

6. Approve and authorize the Resolution 2022-31 of Intent to Sell the City Owned Property.

Mr. Abbey stated city owned lots that are tax reverted will come to you at the next council meeting.

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

7. Approve and authorize the acceptance of the 2022 Demolition low bids and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with DR AC Enterprise Maintenance & Contracting, 3533 Flushing Rd. Flint MI 48504, for the following property: 2079 Judd R. in the amount of \$7,987.00.

Mr. Heffner would like the Building Inspector to bring the council up to speed with the property and provide a recommendation.

Mr. Martinez stated this property has been in our system since 2013. The person who owns it now bought it in 2020. Council gave her 120 days to proceed with the property at that time. There were no trade permits given. On 2/15/22 I was in the home. They do have an electrical permit with no inspections. There is currently no plumbing or mechanical permits. 90% of the frame is rebuilt and is fine. The progress has been so slow that I am worried about water damage because there is no siding and the exterior is not water tight. There has been little to no contact with the owner.

Mr. Fenner asked if there is still water in the basement.

Mr. Martinez stated the basement is currently dry.

Discussion continued about water in the home, building permits, and photos of the home.

Mr. Heffner asked Mr. Martinez, based on what you know about the home, if the owner was given 60 days, could they complete the repairs?

Mr. Martinez stated based on their progress up until this date, no. With the right contractor, yes.

Discussion continued about the neighboring property owners.

RESULT:	FAILED [1 TO 6]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Gregory Fenner, Councilman
AYES:	Hickson
NAYS:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull

8. Add to Agenda: Approve and authorize the extension of the demo proceedings regarding 2079 Judd Road for a period of 90 days until March 6, 2023 upon the following conditions 1.) \$8,000 surety bond within 10 days. 2.) All necessary permits pulled within 30 days. 3.) Electrical, Mechanical, Plumbing and all rough trade permits completed 4.) the exterior of the home completed and water tight. If not complete, the house will be demoloished wiithout further council action.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Vaughn Smith, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

9. Add to Agenda: Approve and authorize the extension of the demo proceedings regarding 2495 Clarice Avenue for a period of 90 days until March 6, 2023 upon the following conditions: Certificate of Occupancy obtained. If not complete, the house will be demoloished wiithout further council action.

City Council went to recess at 8:24 PM.
City Council returned from recess at 8:31 PM.

Mrs. Hickson asked if there is anything we can do to take the pressure off of the property owner. How about a surety bond? They need clarification.

Mr. Martinbianco asked for clarification of the requirements for a certificate of occupancy.

Mr. Martinez stated the house has to be humanly habitable. This means all wet rooms such as restrooms, kitchen, washer and dryer area must have water-resistant flooring. All electrical, plumbing and mechanical needs to be finalized. No one says there has to be paint on drywall.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

10. Approve and authorize the extension of the demo proceedings regarding 2079 Judd Road for a period of 90 days until March 6, 2023 upon the following conditions 1.) \$8,000 surety bond within 10 days. 2.) All necessary permits pulled within 30 days. 3.) Electrical, Mechanical, Plumbing and all rough trade permits completed 4.) The exterior of the home completed and water tight. If not complete, the house will be demolished without further council action.

President Heffner re-opened audience participation for the items added to the agenda only.

Daniel Anger of 2495 Clarice Avenue stated we have done an extensive amount of work on this property. For you to keep it on the demo list with a 90-day window is way too extreme. I would like you to remove it from the demo list.

Tami Sowers stated we are grateful for the 90-days, but it is like a guillotine around my neck. I would like you to remove it from the demo list.

RESULT:	CARRIED [5 TO 2]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Steven Heffner, President
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley
NAYS:	Hull, Hickson

11. Approve and authorize the extension of the demo proceedings regarding 2495 Clarice Avenue for a period of 90 days until March 6, 2023 upon the following conditions: Certificate of Occupancy obtained. If not complete, the house will be demolished without further council action.

Mrs. Hickson made a motion to amend the motion to state pending further council action instead of without council action. Motion dies for lack of support.

Mr. Martinbianco made a motion to amend adding an \$8,000 surety bond within 10 days removing the language "if not complete, house will be demolished with no further council action". Motion dies for lack of support.

RESULT:	CARRIED [6 TO 1]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Gregory Fenner, Councilman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull
NAYS:	Hickson

12. Approve and authorize the acceptance of the 2022 Demolition low bids and allow the Mayor and Clerk to enter into a contract, contingent upon the submittal and approval of the required bonds and insurance documents, on behalf of the City of Burton with DR AC Enterprise Maintenance & Contracting, 3533 Flushing Rd. Flint MI 48504, for the following property: 2495 Clarice Ave. in the amount of \$7,450.00.

Mr. Martinez stated they do have all of their trade permits. They did struggle getting things done on time. I have been to the home. There are a couple adjustments needed to the duct system. It would pass a rough building inspection. The house is water tight. Grass is cut and it is not an eyesore. It is safe and structurally savable.

Mr. Heffner recommends giving them 90 days.

Discussion on surety bond and condition of the home.

Mr. Martinez stated I do believe 90 days is feasible to finish the home and get a full occupancy permit.

RESULT:	FAILED [0 TO 7]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Gregory Fenner, Councilman
NAYS:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

L. FIRST READING OF ORDINANCE

1. Approve and Authorize ZC# 330 – Yatooma Oil, LLC; c/o Michael Yatooma 51300 Danview Technology Court, Shelby, MI 48315, requests a zoning change from C-1, Local Business District to C-2, General Business District on the following described parcels: being located at 4507 S. Center Rd., Burton MI 48519 and vacant Parcel 59-34-300-053 as follows: 4507 S. Center Rd., 59-34-300-038 described as: A PARCEL OF LAND BEG AT SW COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 191.5 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 191.5 FT TO PLACE OF BEG SEC 34 T7N R7E (90) FR 5900028128 59-34-300-053 described as: A PARCEL OF LAND BEG S 88 DEG 38 MIN 32 SEC E 191.5 FT FROM SW COR OF SEC COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 158 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 158 FT TO PL OF BEG SEC 34 T7NR7E (99) FR 59-34-300-037

Mr. Abbey stated the people that own the place want to put gas pumps out in front of the building. They see a need here. This would be allowed under a C-2 zone.

Mr. Smith stated what if we change the zoning and they decide not to do it.

Mr. Heffner stated they can do anything else that is allowed under that C-2 zoning. Why would they not go in front of the Zoning Board of Appeals for a variance?

Mr. Abbey stated if they come and ask for that. They have to go to site plan review to make sure it is a permitted business. This is the first step.

Mr. Heffner stated there are many different uses under C-2, if we rezone it to C-2, they can put anything they want in there, that's covered under C-2, correct?

Mr. Abbey stated they will still have to go in front of the Planning Commission. They cannot just put whatever they want in there. It will have to fit the surrounding area.

Mr. Heffner stated a medical marijuana place could go in there because that's covered under C-2.

Mr. Abbey said, no. There are other restrictions with marijuana. It does not meet the criteria of that location.

Discussion continued regarding C-2 zoning change and agenda back-up material.

Mr. Heffner stated he needs more information on this.

Mr. Martinbianco expressed concern about if the property history included a buffer between the corner lot and the nearest residential home. Is there some kind of restriction to the corner lot getting zoned C-1?

Mr. Abbey stated there is a lot back there but I am not aware of who owns it. The previous owner owned the building and the lot behind it.

Mr. Fenner stated this was presented by Amber to the Planning Commission. I wish she was here to answer the questions. The Planning Commission agreed upon this. There was no discussion about the demo of a building, the pumps were going between the existing building and the road. The lot was the buffer.

Mr. Abbey stated we looked it up and there is only one owner.

Mr. Smith recommends tabling this until Amber can come in and answer the questions.

2. Motion to Table ZC# 330

Mr. Heffner stated I have information tonight from a company we met in Kansas City that will go over our franchise fees and audit them to make sure we are paying and getting what we are supposed to. We would like for the Mayor to look it over and act on it. I also have other information regarding how to write successful grants through the hub. I will probably need to come in tomorrow and discuss it.

Mr. Smith would like to make sure Mrs. Abbey will be at the next meeting to answer questions.

Mayor Haskins stated I thought this was cut and dry. I had no idea there would be questions about this or I could have had Mrs. Abbey here tonight.

RESULT:	TABLED [5 TO 2]
MOVER:	Vaughn Smith, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Conley, Hickson
NAYS:	Fenner, Hull

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

Meeting was adjourned at 9:07 PM.

Minutes Acceptance: Minutes of Dec 5, 2022 7:00 PM (APPROVAL OF MINUTES)



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

Meeting: 12/19/22 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

K.1

ADOPTED

AGENDA ITEM (ID # 5581)

DOC ID: 5581

Approve and authorize the payment of Attorney Billing (Doyle) 12/1/22 to 12/13/22 in the amount of \$4,201.00.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Christina Hickson, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson



ADOPTED

AGENDA ITEM (ID # 5568)

DOC ID: 5568

Approve and authorize the 2023 City Council & Board of Review Meeting Calendar.

ATTACHMENTS:

- 2022 City Council & BOR Meeting Schedule (DOCX)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Vice President
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

2023 Burton City Council Meeting Schedule

Meetings are held on the 1st & 3rd Monday of each month in Council Chambers in the lower level of City Hall at 7:00 PM

Thursday, January 5th*

Monday, February 6th

Monday, March 6th

Monday, April 3rd

Monday, May 1st

Monday, June 5th

Monday, July 3rd

Monday, August 7th

Thursday, September 7th*

Monday, October 2nd

Monday, November 6th

Monday, December 4th

Thursday, January 19th*

Monday, February 20th

Monday, March 20th

Monday, April 17th

Monday, May 15th

Monday, June 19th

Monday, July 17th

Monday, August 21st

Monday, September 18th

Monday, October 16th

Monday, November 20th

Monday, December 18th

***Thursday Meetings due to the following:**

Monday, January 2, 2023 – offices closed for holiday break

Monday, January 16, 2023 - Martin Luther King Jr. Day

Monday, September 4, 2023 - Labor Day

2023 Board of Review Meeting Schedule

Meetings are held in Council Chambers in the lower level of City Hall

Monday, March 13th

9am-5pm

Tuesday, March 14th

9am-5pm

Wednesday, March 15th

3pm-9pm

Tuesday, March 21st

9am-5pm

Tuesday, July 18th

2pm-5pm

Tuesday, December 12th

2pm-5pm



ADOPTED

AGENDA ITEM (ID # 5576)

DOC ID: 5576

Approve and Authorize the Mayor and City Clerk to execute a contract with OHM Advisors, G3101 West Bristol Road, Flint, MI 48507, for Construction Engineering of Belsay Road, Lapeer Road to I-69 (DPW Project No. 21-021-P), at an estimated cost of \$108,016.61, contingent upon approval of the City Attorney.

ATTACHMENTS:

- Belsay Road CE Proposal 11-29-22 (PDF)

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Greg Hull, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson



November 29, 2022

Peter Wingblad
Engineering and Inspection Superintendent
City of Burton
Department of Public Works
4093 Manor Drive
Burton, MI 48519

RE: Construction Engineering Services – Belsay Road Rehabilitation
MDOT Job Number: 212908 Control Section: STU 25000

Dear Mr. Wingblad,

Thank you for asking OHM Advisors to submit a proposal to be part of your Construction Team for the aforementioned project. OHM has been working with the City of Burton to support construction projects in the past with materials testing and the office technician role, however we're excited for the opportunity to perform full construction engineering services for the Belsay Road Rehabilitation project.

Based on our meeting regarding the administration of this project, construction will take place between mid-June and mid-August while school is out and it is important for the project to stay within budget. To that end, OHM will monitor the cost as construction progresses and will work with the City staff to make adjustments during construction, as necessary.

We have assembled a qualified team highly experienced with administering MDOT Local Agency Projects. The OHM team will provide:

- Complete project administration according to federal funding requirements.
- Processing of bi-weekly pay estimates, change orders, extensions of time, and review of contractor claims.
- Coordination between construction contractors, subcontractors, and other public and private entities including the MDOT, the GCRC, and the GCDC.
- Reporting and record keeping, including certified payrolls, with a MDOT certified Office Technician.
- Full-time construction inspection.
- Oversee materials tracking, testing, and documentation.
- Soil Erosion and Sedimentation (SESC) inspections in accordance with MDOT requirements.
- Construction staking/layout.
- Facilitation of bi-weekly progress meetings.
- Measurement, computation, and documentation of quantities.
- Finalization of all project documentation through MDOT Audit.

Due to the scope of work and project schedule, we anticipate that one full-time construction technician will be needed to perform the daily on-site inspection duties with oversight from a Senior Technician. OHM intends to partner with G2 Consulting Group and SMAC Testing, inc. to provide the materials testing

services. The OHM technicians assigned to this project have the proper certifications and knowledge required to oversee testing services in addition to their inspection duties. Our team will assure materials are sampled, tested, and documented per MDOT requirements.

OHM will ensure the project is completed, from the preconstruction meeting through the final pay estimate, according to required MDOT LAP standards and procedures. We will provide oversight of contract responsibilities and serve as the liaison between the Contractor and the City of Burton. We will ensure the interests of the City are protected and look to keep the contract running smoothly.

COMPENSATION

The services outlined above will be performed on a cost plus fixed fee basis in accordance with MDOT's Third Party Agreement requirements for the **not-to-exceed amount of One Hundred Eight Thousand Sixteen dollars and Sixty-One cents (\$108,016.61)**. The City will be invoiced for services on a monthly basis. The estimated budget breakdown is as follows:

Construction Engineering Services	\$ 84,766.61
SMAC Testing, Inc.	\$ 3,250.00
G2 Consulting Group	\$ 20,000.00
Engineering Services Total	\$108,016.61

This Estimate is based on a total project duration of 10 weeks. Actual hours will be invoiced at time and materials and will be adjusted in relation to the contractor schedule.

Should you find this agreement acceptable, please sign and return a signed copy for our files. We look forward to being part of the City of Burton's team for this project. Mr. Rob Merinsky will be your Project Manager for these services. If you have any questions, please do not hesitate to call Rob at 810.396.4372 or email him at rob.merinsky@ohm-advisors.com.

Sincerely,
OHM ADVISORS



Rob Merinsky, P.E.
 Project Manager



Andrew Harris, P.E.
 Principal

Enclosures: *Standard Terms and Conditions*

Cc: File



PROFESSIONAL SERVICES
Construction Engineering Services – Belsay Road
MDOT Job Number: 212908 Control Section: STU 25000

Accepted By:

Printed Name

Date

Title

Attachment: Belsay Road CE Proposal 11-29-22 (5576 : Third Party Agreement with OHM For CE For Belsay Road Lapeer to I-69)

TERMS & CONDITIONS

1. **THE AGREEMENT.** These Terms and Conditions and the attached Proposal or Scope of Services, upon acceptance by CLIENT, shall constitute the entire Agreement between Orchard, Hiltz & McCliment, Inc. (OHM ADVISORS), a registered Michigan Corporation, and CLIENT. OHM ADVISORS and CLIENT may be referred to individually as a Party or collectively as Parties. This Agreement supersedes all prior negotiations or agreements and may be amended only by written agreement signed by both Parties.
2. **CLIENT RESPONSIBILITIES.** CLIENT, at no cost, shall:
 - a. Provide access to the project site to allow timely performance of the services.
 - b. Provide all information in CLIENT'S possession as required by OHM ADVISORS to perform the services.
 - c. Designate a person to act as CLIENT'S representative who shall transmit instructions, receive information, define CLIENT policies, and have the authority to make decisions related to services under this Agreement.
3. **PROJECT INFORMATION.** OHM ADVISORS shall be entitled to rely on the accuracy and completeness of services and information furnished by CLIENT, other design professionals, or consultants contracted directly to CLIENT.
4. **PERIOD OF SERVICE.** The services shall be completed within the time specified in the Proposal or Scope of Services, or if no time is specified, within a reasonable amount of time. OHM ADVISORS shall not be liable to CLIENT for any loss or damage arising out of any failure or delay in rendering services pursuant to this Agreement that arise out of circumstances that are beyond the control of OHM ADVISORS.
5. **COMPENSATION.** CLIENT shall pay OHM ADVISORS for services performed in accordance with the method of payment, as stated in the Proposal or Scope of Services. CLIENT shall pay OHM ADVISORS for reimbursable expenses for subconsultant services, equipment rental, or other special project related items at a rate of 1.15 times the invoice amount.
6. **TERMS OF PAYMENT.** Invoices shall be submitted to the CLIENT each month for services performed during the preceding period. CLIENT shall pay the full amount of the invoice within thirty days of the invoice date. If payment is not made within thirty days, the amount due to OHM ADVISORS shall include a service fee at the rate of one (1%) percent per month from said thirtieth day.
7. **STANDARD OF CARE.** OHM ADVISORS shall perform their services under this Agreement in a manner consistent with the professional skill and care ordinarily provided by similar professionals practicing in the same or similar locality under the same or similar conditions.
8. **RESTRICTION OF REMEDIES.** OHM ADVISORS is responsible for the work of its employees while they are engaged on OHM ADVISORS' projects. As such, and in order to minimize legal costs and fees related to any dispute, CLIENT agrees to restrict any and all remedies it may have by reason of OHM ADVISORS' breach of this Agreement or negligence in the performance of services under this Agreement, be they in contract, tort, or otherwise, to OHM ADVISORS, and to waive any claims against individual employees.
9. **LIMIT OF LIABILITY.** To the fullest extent permitted by law, CLIENT agrees that, notwithstanding any other provision in this Agreement, the total liability in the aggregate, of OHM ADVISORS to CLIENT, or anyone claiming under CLIENT, for any claims, losses, damages or costs whatsoever arising out of, resulting from, or in any way related to this Agreement or the services provided by OHM ADVISORS pursuant to this Agreement, be limited to \$25,000 or OHM ADVISORS fee, whichever is greater, and irrespective of whether the claim sounds in breach of contract, tort, or otherwise.
10. **ASSIGNMENT.** Neither Party to this Agreement shall transfer, sublet, or assign any duties, rights under or interest in this Agreement without the prior written consent of the other Party.
11. **NO WAIVER.** Failure of either Party to enforce, at anytime, the provisions of this Agreement shall not constitute a waiver of such provisions or the right of either Party at any time to avail themselves of such remedies as either may have for any breach of such provisions.
12. **GOVERNING LAW.** The laws of the State of Michigan will govern the validity of this Agreement, its interpretation and performance.
13. **INSTRUMENTS OF SERVICE.** OHM ADVISORS shall retain ownership of all reports, drawings, plans, specifications, electronic data and files, and other documents (Documents) prepared by OHM ADVISORS as Instruments of Service. OHM ADVISORS shall retain all common law, statutory and other reserved rights, including, without limitation, all copyrights thereto. CLIENT, upon payment in full for OHM's services, shall have an irrevocable license to use OHM's Instruments of Service for or in conjunction with repairs, alterations or maintenance to the project involved but for no other purpose. CLIENT shall not reuse or make any modifications to the Documents without prior written authorization by OHM ADVISORS. In accepting and utilizing any Documents or other data on any electronic media provided by OHM ADVISORS, CLIENT agrees they will perform acceptance tests or procedures on the data within 30 days of receipt of the file.
14. **CERTIFICATIONS.** OHM ADVISORS shall have 14 days to review proposed language prior to the requested dates of execution. OHM ADVISORS shall not be required to execute certificates to which it has a reasonable objection, or that would require knowledge, services, or responsibilities beyond the scope of this Agreement, nor shall any certificates be construed as a warranty or guarantee by OHM ADVISORS.
15. **TERMINATION.** Either Party may at any time terminate this Agreement upon giving the other Party 7 calendar days prior written notice. CLIENT shall within 45 days of termination pay OHM ADVISORS for all services rendered and all costs incurred up to the date of termination in accordance with compensation provisions in this Agreement.
16. **RIGHT TO SUSPEND SERVICES.** In the event CLIENT fails to pay OHM ADVISORS the amount shown on any invoice within 45 days of the date of the invoice, OHM ADVISORS may, after giving 7 days' notice to CLIENT, suspend its services until payment in full for all services and expenses is received.

17. OPINIONS OF PROBABLE COST. OHM ADVISORS preparation of Opinions of Probable Cost represents OHM ADVISORS' best judgment as a design professional familiar with the industry. CLIENT recognizes that OHM ADVISORS has no control over costs of labor, equipment, materials, or a contractor's pricing. OHM ADVISORS makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual cost.
18. JOB SITE SAFETY. Neither the professional activities of OHM ADVISORS, nor the presence of OHM ADVISORS or our employees and subconsultants at a construction site shall relieve the Contractor or any other entity of their obligations, duties, and responsibilities including, but not limited to, construction means, methods, sequences, techniques or procedures necessary for performing, superintending or coordinating all portions of the work of construction in accordance with the contract documents and the health or safety precautions required by any regulatory agency. OHM ADVISORS has no authority to exercise any control over any construction contractor or any other entity or their employees in connection with their work or any health or safety precautions.
19. CONTRACTOR SUBMITTALS. If included in the services to be provided, OHM ADVISORS shall review the contractor's submittals such as shop drawings, product data, and samples for the limited purpose of checking for conformance with information given and the design concept expressed in the construction documents issued by OHM ADVISORS. Review of such submittals is not for the purpose of determining the accuracy and completeness of other information such as dimensions, quantities, and installation or performance of equipment or systems, which are the contractor's responsibility. OHM ADVISORS review shall not constitute approval of safety precautions or, unless otherwise specifically stated by OHM ADVISORS, of any construction means, methods, techniques, sequences or procedures. OHM ADVISORS approval of a specific item shall not indicate approval of an assembly of which the item is a component.
20. CONSTRUCTION OBSERVATION. If requested, OHM ADVISORS shall visit the project construction site to generally observe the construction work and answer questions that CLIENT may have. OHM ADVISORS shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the construction work, or to determine whether the construction work is being constructed in accordance with the Contract Documents.
21. HAZARDOUS MATERIALS. As used in this Agreement, the term hazardous materials shall mean any substances, including without limitation asbestos, toxic or hazardous waste, PCBs, combustible gases and materials, petroleum or radioactive materials (as each of these is defined in applicable federal statutes) or any other substances under any conditions and in such quantities as would pose a substantial danger to persons or property exposed to such substances at or near the Project site. Both Parties acknowledge that OHM ADVISORS' Scope of Services does not include any services related to the presence of any hazardous or toxic materials. In the event OHM ADVISORS or any other person or entity involved in the project encounters any hazardous or toxic materials, or should it become known to OHM ADVISORS that such materials may be present on or about the jobsite or any adjacent areas that may affect the performance of OHM ADVISORS' services, OHM ADVISORS may, at its sole option and without liability for consequential or any other damages, suspend performance of its services under this Agreement until CLIENT retains appropriate qualified consultants and/or contractors to identify and abate or remove the hazardous or toxic materials and warrants that the jobsite is in full compliance with all applicable laws and regulations. CLIENT agrees, notwithstanding any other provision of this Agreement, to the fullest extent permitted by law, to indemnify and hold harmless OHM ADVISORS, its officers, partners, employees and subconsultants (collectively, OHM ADVISORS) from and against any and all claims, suits, demands, liabilities, losses, damages or costs, including reasonable attorneys' fees and defense costs arising out of or in any way connected with the detection, presence, handling, removal, abatement, or disposal of any asbestos or hazardous or toxic substances, products or materials that exist on, about or adjacent to the Project site, whether liability arises under breach of contract or warranty, tort, including negligence, strict liability or statutory liability, regulatory or any other cause of action, except for the sole negligence or willful misconduct of OHM ADVISORS.
22. WAIVER OF CONSEQUENTIAL DAMAGES. The Parties waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either Party's termination of this Agreement.
23. WAIVER OF SUBROGATION. The Parties waive all rights against each other and any of their contractors, subcontractors, consultants, agents, and employees, each of the other, for damages caused by fire or other causes of loss to the extent covered by property insurance obtained pursuant to a written contract or other property insurance applicable to the construction work.
24. THIRD PARTIES. Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either CLIENT or OHM ADVISORS.
25. CODE REVIEW/ACCESSIBILITY. In providing its services under this Agreement, OHM ADVISORS may have to interpret federal and or state laws, codes, ordinances, regulations and/or statutes. CLIENT understands and agrees that these may be subject to different and possibly contradictory interpretations by relevant governmental officials charged with interpreting same and furthermore understands and agrees that OHM ADVISORS does not warrant or guarantee that their interpretation will be consistent with the interpretation of the relevant governmental officials. OHM ADVISORS shall not be liable for unreasonable or unforeseeable interpretation of federal and or state laws, codes, ordinances, regulations and/or statutes by governmental officials charged with interpreting same.
26. DISPUTE RESOLUTION. In an effort to resolve any conflicts that arise during the project or following the completion of the project, the Parties agree that all disputes between them arising out of or relating to this Agreement shall be submitted to nonbinding mediation, unless the Parties mutually agree otherwise, as a prerequisite to further legal proceedings. The Parties agree to share the mediator's fee and any filing fees equally, and the mediation shall be held in the place where the project is located, unless another location is mutually agreed upon.



TABLED

AGENDA ITEM (ID # 5575)

DOC ID: 5575

Approve and authorize the City Treasurer to pay MERS a lump sum of \$1,000,000 via wire transfer by 12/31/22 to be applied to the unfunded liability of the City of Burton pension plan.

COMMENTS - Current Meeting:

Mr. Smith asked for the council's opinion regarding making this payment now or waiting.

Mr. Heffner stated we need to stay the course. We went from being 32% funded to 56% funded by doing this. We don't know what the state is going to do.

Mr. Fenner stated I am more in favor of waiting it out for a little bit by sticking it in a certificate of deposit earning 4% on it until May.

Mr. Heffner stated if I remember right, didn't we write a letter of understanding with the state about this? It was during the Zelenko administration.

Mayor Haskins stated it was part of our corrective action plan. This was the only thing I recall when they changed the law requiring us to present what we were doing to take care our debt, pension and OPEB were both a part of this.

Mr. Hull stated can we just change the date to May 1st and not have to do anything else.

Mr. Abbey stated it doesn't need to be in May. We get the new MERS valuation sometime in January.

ATTACHMENTS:

- Jan 2020 Investment Report (PDF)

RESULT: **TABLED [UNANIMOUS]**

Next: 1/19/2023 7:00 PM

MOVER: Greg Hull, Councilman

SECONDER: Tom Martinbianco, Vice President

AYES: Martinbianco, Heffner, Smith, Fenner, Conley, Hull, Hickson

**CITY OF BURTON
POOLED CASH INVESTMENT REPORT**

REPORT DATE: 01/08/20

AGENT	COMM PAPER 1	COMM PAPER 2	SPLIT RATING	CERT DEPOSIT	MONEY MKT	TREASURY BILLS
CHASE	\$0.00	\$0.00	\$0.00	\$0.00	\$781,750.60	\$0.00
COMERICA	\$491,737.51	\$0.00	\$0.00	\$3,268,000.00	\$0.00	\$5,020,000.00
CUTWATER	\$0.00	\$0.00	\$0.00	\$0.00	\$6,824,360.08	\$0.00
ELGA CREDIT UNION	\$0.00	\$0.00	\$0.00	\$0.00	\$2,325,209.82	\$0.00
FLAGSTAR	\$0.00	\$0.00	\$0.00	\$270,521.12	\$530,205.42	\$0.00
FRANKENMUTH CREDIT U	\$0.00	\$0.00	\$0.00	\$420,686.25	\$0.00	\$0.00
HUNTINGTON BANK	\$0.00	\$0.00	\$0.00	\$0.00	\$2,013,563.63	\$0.00
MULTI BANK SECURITIES	\$1,971,200.00	\$0.00	\$0.00	\$1,430,000.00	\$0.00	\$1,520,000.00
TOTALS:	\$2,462,937.51	\$0.00	\$0.00	\$5,389,207.37	\$12,475,089.55	\$6,540,000.00

GRAND TOTAL: \$26,867,234.43

50% RULE (NON COMM PAPER - COMM PAPER) : \$21,941,359.41

AVERAGE INTEREST : 2.0823

Attachment: Jan 2020 Investment Report (5575 : MERS Lump Sum Payment)

REPORT DATE: 01/08/20

Purchase Amount		Institution Name	Agent	Rate	Days	Date Pur.	Date Due	Interest Due	Daily Int.	CUSIP
\$325,319.65	M-3	Huntington SP Assessment E	HUNT - M	0.45	90	11/01/19	01/30/20	\$365.98	\$4.07	
\$4,186,886.63	M-3	MI CLASS - Pooled	CUT - MM	1.82	90	11/01/19	01/30/20	\$19,050.33	\$211.67	
\$781,750.60	M-3	Chase Earnings Credit	CHS - MM	0.7	90	11/01/19	01/30/20	\$1,368.06	\$15.20	
\$530,205.42	M-3	Flagstar - Pooled	FLAG - M	1.14	90	11/01/19	01/30/20	\$1,511.09	\$16.79	
\$2,325,209.82	M-3	ELGA CU - Sewer	ELGA - M	0.7	90	11/01/19	01/30/20	\$4,069.12	\$45.21	
\$26,247.62	M-3	MI CLASS - Fire Cap Proj	CUT - MM	1.82	90	11/01/19	01/30/20	\$119.43	\$1.33	
\$2,611,225.83	M-3	MI CLASS - Sewer Savings	CUT - MM	1.82	90	11/01/19	01/30/20	\$11,881.08	\$132.01	
\$1,688,243.98	M-3	Huntington Earnings Credit	HUNT - M	0.45	90	11/01/19	01/30/20	\$1,899.27	\$21.10	
\$491,737.51	O-3	Toyota - Pooled	CO - 1	2.20333	270	05/20/19	02/14/20	\$8,262.49	\$30.60	8923AOBE2
\$105,000.00	M-1	FHLB 9.9 Yr Step - Sewer	CO - TB	2	332	06/20/19	05/17/20	\$1,936.67	\$5.83	3130A7TV7
\$1,971,200.00	O-3	JP Morgan - Pooled	MBS - 1	1.92	270	09/19/19	06/15/20	\$28,800.00	\$106.67	46640PFF5
\$1,518,000.00	M-1	JP Morgan Chase Step - Pool	CO - CD	2.35	375	07/31/19	08/09/20	\$37,159.38	\$99.09	48128HX37
\$265,000.00	M-1	FHLB - Sewer	CO - TB	2.86	358	08/22/19	08/14/20	\$7,536.89	\$21.05	3130AGVH5
\$250,000.00	M-1	FHL 15yr Call Step SWR	CO - TB	1.75	1459	08/30/16	08/28/20	\$17,730.90	\$12.15	3130A8Z22
\$500,000.00	M-1	JP Morgan Chase - Pool	CO - CD	2.25	365	09/15/19	09/14/20	\$11,406.25	\$31.25	48128H6V5
\$500,000.00	M-1	JP Morgan Chase - Pooled	CO - CD	2.4	365	10/16/19	10/15/20	\$12,166.67	\$33.33	48128LCQ0
\$500,000.00	M-1	JP Morgan Chase	CO - CD	3.25	365	11/29/19	11/28/20	\$16,475.69	\$45.14	48128LKF5
\$270,521.12	M-1	Flagstar Bank	FLAG - C	1.65	365	12/11/19	12/10/20	\$4,525.59	\$12.40	
\$420,686.25	M-1	FRANKENMUTH C/U SEWE	FCU - CD	2.47	1096	03/12/18	03/12/21	\$31,634.67	\$28.86	
\$250,000.00	M-1	Wells Fargo 5yr Pool	MBS - CD	1.75	1826	06/17/16	06/17/21	\$22,190.97	\$12.15	9497485W3
\$340,000.00	M-1	Chase SWR - Call	MBS - CD	1.45	1826	07/15/16	07/15/21	\$25,006.06	\$13.69	48125Y5N0
\$1,000,000.00	M-1	FHLMC Freddie Mac Step - P	CO - TB	2	848	06/04/19	09/29/21	\$47,111.11	\$55.56	3134GANS9
\$1,000,000.00	M-1	FHLB Step - Pooled	CO - TB	2.125	803	07/19/19	09/29/21	\$47,399.31	\$59.03	3130A9GN5
\$500,000.00	M-1	FHLB Step - Pooled	CO - TB	2.125	799	07/23/19	09/29/21	\$23,581.60	\$29.51	3130A9GN5
\$500,000.00	M-1	FNMA 15Yr Step Pool	MBS - TB	2.5	2189	03/30/16	03/28/22	\$76,006.94	\$34.72	3136G3FG5
\$500,000.00	M-1	FHLMC 12.2 Yr Step - Pool	CO - TB	2.01	1165	06/14/19	08/22/22	\$32,522.92	\$27.92	3134GAAW4
\$400,000.00	M-1	FHLMC - 12.2 Yr Step - Sewe	CO - TB	2.01	1159	06/20/19	08/22/22	\$25,884.33	\$22.33	3134GAAW4

Attachment: Jan 2020 Investment Report (5575 : MERS Lump Sum Payment)

REPORT DATE: 01/08/20

Purchase Amount		Institution Name	Agent	Rate	Days	Date Pur.	Date Due	Interest Due	Daily Int.	CUSIP
\$340,000.00	M-1	JP MORGAN CHASE - SWR	MBS - CD	3.4	1456	02/08/19	02/03/23	\$46,753.78	\$32.11	48128HBX5
\$250,000.00	M-1	WELLS FARGO BK - SWR	MBS - CD	3.5	1834	12/20/18	12/28/23	\$44,576.39	\$24.31	949763WAO
\$250,000.00	M-3	Wells Fargo - Pooled	MBS - CD	3.1	1825	02/13/19	02/12/24	\$39,288.19	\$21.53	949763XQ4
\$250,000.00	M-1	Wells Fargo - Pooled	CO - CD	3.1	1826	02/13/19	02/13/24	\$39,309.72	\$21.53	949763XQ4
\$500,000.00	M-1	FHLMC Step - Pooled	CO - TB	1.75	3770	04/29/19	08/24/29	\$91,631.94	\$24.31	3134G95R4
\$265,000.00	M-1	FHLB 12 Yr Step - Pooled	MBS - TB	2.59	4413	06/28/19	07/28/31	\$84,135.07	\$19.07	3130A8RS4
\$500,000.00	M-1	FHLB - Step Up Pooled	CO - TB	2	4467	07/01/19	09/23/31	\$124,083.33	\$27.78	3130A9AY7
\$505,000.00	M-1	FHLB 17 Yr Step - Sewer	MBS - TB	2.85	5828	11/05/19	10/20/35	\$232,998.58	\$39.98	3130A9RK9
\$250,000.00	M-1	FHLMC 17 Yr Step - Pooled	MBS - TB	2.7	6195	11/12/19	10/28/36	\$116,156.25	\$18.75	3134GARZ9
\$26,867,234.43								\$1,336,536.05	\$1,358.03	

Attachment: Jan 2020 Investment Report (5575 : MERS Lump Sum Payment)



SCHEDULED

PUBLIC HEARING (ID # 5580)

DOC ID: 5580

Approve and Authorize ZC# 330 – Yatooma Oil, LLC; c/o Michael Yatooma 51300 Danview Technology Court, Shelby, MI 48315, requests a zoning change from C-1, Local Business District to C-2, General Business District on the following described parcels: being located at 4507 S. Center Rd., Burton MI 48519 and vacant Parcel 59-34-300-053 as follows: 4507 S. Center Rd., 59-34-300-038 described as: A PARCEL OF LAND BEG AT SW COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 191.5 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 191.5 FT TO PLACE OF BEG SEC 34 T7N R7E (90) FR 5900028128 59-34-300-053 described as: A PARCEL OF LAND BEG S 88 DEG 38 MIN 32 SEC E 191.5 FT FROM SW COR OF SEC COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 158 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 158 FT TO PL OF BEG SEC 34 T7NR7E (99) FR 59-34-300-037

COMMENTS - Current Meeting:

Mr. Smith stated I would like to make a motion to un-table the first reading of the ordinance. Mr. Hull seconded the motion.

Mr. Martinbianco asked if the vacant property to the immediate east is part of the application.

Mrs. Abbey said, yes. Also, there is only one owner. At the last meeting Mr. Heffner thought the properties were owned by two different people. That is not correct, they are owned by the same people. I don't know where that came from.

Mr. Martinbianco stated there were two different individuals listed on the application.

Mrs. Abbey stated that says all interested parties, not owners. There are multiple people on all rezoning applications. There is usually an owner and someone interested in buying it.

Mr. Martinbianco asked if there is a reason the interested individual is not here tonight?

Mr. Abbey said, I talked to them and I don't know why they're not here.

Inaudible discussion occurred amongst council members.

Ms. Boggs stated there is a motion on the floor made by Mr. Smith and supported by Mr. Hull to un-table the first reading of the ordinance.

Mr. Heffner stated first off, I have to hear motions before they are recognized. They can say anything they want to say but, unless the chair hears it and recognizes it, it didn't happen.

ATTACHMENTS:

- Backup for Council (PDF)

Case No. 330

CITY OF BURTON
 GENESEE COUNTY, MICHIGAN
 ORDINANCE NO. 157. _____
 AMENDMENTS TO CITY OF BURTON ORDINANCE CHAPTER 157, AS AMENDED
 THE CITY OF BURTON ORDAINS:

That Ordinance Chapter 157, being City of Burton Zoning Ordinance, be amended as follows:

Section 1

City of Burton Ordinance Chapter 157, designated "City of Burton Zoning Ordinance" and the zoning district map attached thereto and made a part thereof, are hereby amended by rezoning the following described property in the City of Burton from present zoning classification to C-2, General Business District on the following described parcels located at 4507 S. Center Rd., Burton MI 48519 and adjoining vacant Parcel 59-34-300-053 as follows:

4507 S. Center Rd., 59-34-300-038 described as:

A PARCEL OF LAND BEG AT SW COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 191.5 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 191.5 FT TO PLACE OF BEG SEC 34 T7N R7E (90) FR 5900028128

59-34-300-053 described as:

A PARCEL OF LAND BEG S 88 DEG 38 MIN 32 SEC E 191.5 FT FROM SW COR OF SEC COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 158 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 158 FT TO PL OF BEG SEC 34 T7NR7E (99) FR 59-34-300-037

Section 2

The penalty for violation of this Ordinance shall be the same as those penalties set forth in Chapter 157.999 of the City of Burton Zoning Ordinance Chapter 157.

Section 3

Notice of this Ordinance shall be published in a newspaper circulated within the City of Burton, Genesee County, Michigan.

This Ordinance shall become effective upon publication.

A copy of this Ordinance may be inspected at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON

By: _____
 Duane Haskins, Mayor

By: _____
 Racheal Boggs, City Clerk

Ordinance introduced on: _____

Second Reading: _____ Publication date: _____ Effective date: _____

Attachment: Backup for Council (5580 : ZC# 330)

CASE NO. 330SPR#: 22-38

City of Burton

4093 Manor Drive
Burton, MI 48519
(810) 742-9230

5535

DATE FILED: 10-7-22
FEE PAID: 1000
RECEIVED BY: L. Swamy

EMMAILED BURTON VIEW 10-25-22
FOR 10-27-22

PETITION FOR ZONING CHANGE

We the Owners, Contract Purchasers, Optionees and Leaseholders of the hereinafter described property do hereby petition your Honorable Body to rezone property described as:

Zoned C-1 (Local Business District) and is subject to the following conditions: (Gas Stations are only allowed in C-2 Zoning), therefore, a variance request or Zoning Change shall be applied for.

Parcel ID#: 59-34-300-038 & 59-34-300-053

Located at: 4507 S. Center Road, Burton, Michigan
(address of property to be rezoned)

and change the zoning district classification from C-1 to C-2

for the purpose of Proposed Gas Station & Convenience Store and such other uses permitted by the proposed zoning district.

APPLICANTS NAME: Yatooma Oil, LLC; c/o Michael Yatooma

APPLICANTS ADDRESS: 51300 Danview Technology Court

CITY: Shelby, MI 48315

APPLICANTS PHONE: Office: 586-327-1100; Cell: 586-202-2355

APPLICANTS EMAIL: michael@yatoomaoil.com

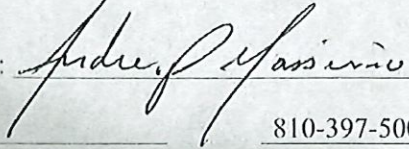
I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

APPLICANTS SIGNATURE: [Signature]

Attachment: Backup for Council (5580 : ZC# 330)

CASE NO. 330SPR#: 22-38**INTERESTED PARTIES ACKNOWLEDGMENT:****ALL OWNERS, CONTRACT PURCHASERS, OPTIONEES AND LESSEES OF THE LAND
PROPOSED FOR REZONING SIGN HERE:**

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: Andrew Paul MassiminoSignature: 9487 Shyre Circle, Davison, MI 48423

Address

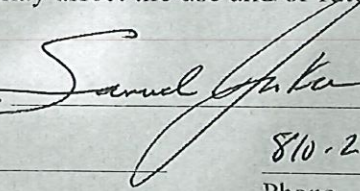
810-397-5009

Phone

andrewmass1203@gmail.com

Email

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: Samuel DykaSignature: 8176 Carpenter Road, Flushing, MI 48433

Address

810-240-2797

Phone

Email

Dyka1@hotmail.com

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: _____

Signature: _____

Address _____

Phone _____

Email _____

Attachment: Backup for Council (5580 : ZC# 330)

CASE NO. 330SPR#: 22-38**INTERESTED PARTIES ACKNOWLEDGMENT:****ALL OWNERS, CONTRACT PURCHASERS, OPTIONEES AND LESSEES OF THE LAND PROPOSED FOR REZONING SIGN HERE:**

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: Andrew Paul Massimino

Signature: _____

9487 Shyre Circle, Davison, MI 48423

Address

810-397-5009

Phone

andrewmass1203@gmail.com

Email

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: Samuel Dyka

Signature: _____

8176 Carpenter Road, Flushing, MI 48433

Address

Phone

Email

I agree the statements made on the attached application are true, and if found not to be true, any action that may be taken may be void. Further, I agree to give permission to officials of the City of Burton to enter the property subject to this application for the purposes of inspections. Further I understand that this is an application and any fees paid will not be refundable regardless of the decision of the Council. I further acknowledge that the decision made by the Council may affect the use and/or future uses of the parcel.

Name: _____

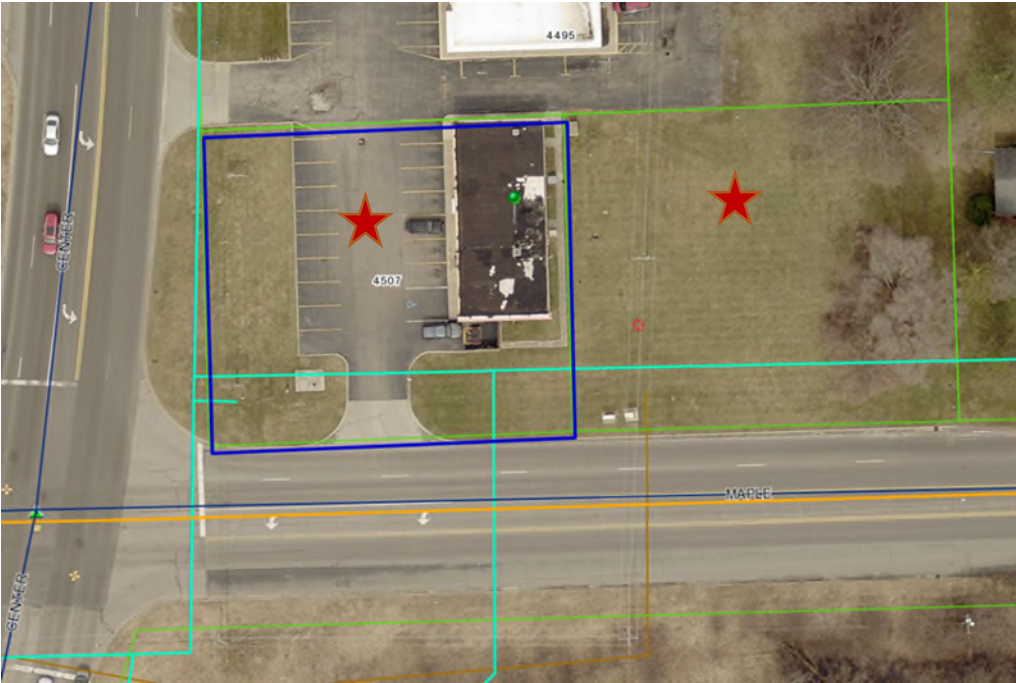
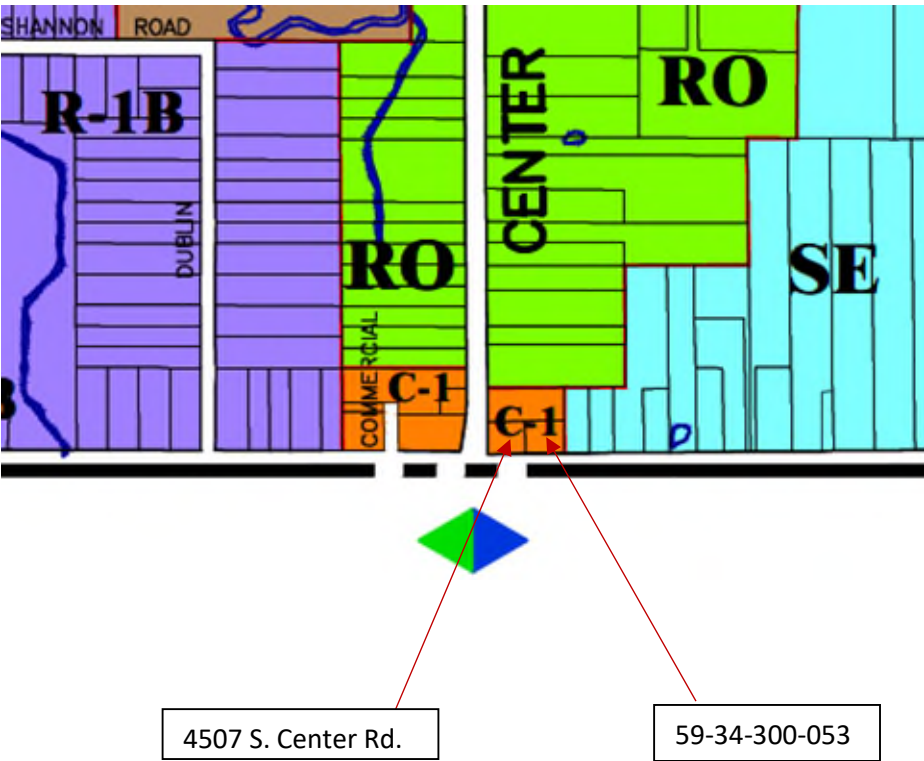
Signature: _____

Address

Phone

Email

Attachment: Backup for Council (5580 : ZC# 330)





City of Burton
DEPARTMENT OF PUBLIC WORKS
4093 MANOR DRIVE
BURTON, MI 48519
PHONE (810) 742-9230
FAX (810) 742-8015
www.burtonmi.gov

Marked
10-25-2022
L.1.a

Case No. 330

TO THE RESIDENTS OF THE CITY OF BURTON

PLEASE BE NOTIFIED there will be a public hearing of the Burton City Planning commission on Tuesday November 15, 2022, at 5:00 p.m. at the Burton City Hall, 4303 S. Center Road Burton, Michigan.

The following change of zoning will be considered:

Case No. 330

Yatooma Oil, LLC; c/o Michael Yatooma 51300 Danview Technology Court, Shelby, MI 48315, requests a zoning change from C-1, Local Business District to C-2, General Business District on the following described parcels: being located at 4507 S. Center Rd., Burton MI 48519 and vacant Parcel 59-34-300-053 as follows:

4507 S. Center Rd., 59-34-300-038 described as:

A PARCEL OF LAND BEG AT SW COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 191.5 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 191.5 FT TO PLACE OF BEG SEC 34 T7N R7E (90) FR 5900028128

59-34-300-053 described as:

A PARCEL OF LAND BEG S 88 DEG 38 MIN 32 SEC E 191.5 FT FROM SW COR OF SEC COR OF SEC TH N 1 DEG 28 MIN E 166 FT TH S 88 DEG 38 MIN 32 SEC E 158 FT TH S 1 DEG 28 MIN W 166 FT TH N 88 DEG 38 MIN 32 SEC W 158 FT TO PL OF BEG SEC 34 T7NR7E (99) FR 59-34-300-037

File may be examined at the Department of Public Works, 4093 Manor Drive, Burton, Michigan during regular business hours.

If you are interested you may attend the meeting and be heard.

/s/ Racheal Boggs

Prepared by:

Amber Abbey,
Deputy DPW Director

*Equal Opportunity Employer
Michigan Municipal League Member*

