CITY OF BURTON

BURTON CITY COUNCIL MEETING

DECEMBER 5, 2016

MINUTES

Council Chambers	**Regular Meeting**	**7:00 PM**

4303 S. CENTER ROAD
BURTON, MI 48519

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

A. INVOCATION LED BY: MR. MARTINBIANCO (MR. HEFFNER LED THE INVOCATION IN MR. MARTINBIANCO ABSENT).

B. THE PLEDGE OF ALLEGIANCE IS LED BY: MR. MARTINBIANCO (MR. HEFFNER LED THE PLEDGE OF ALLEGIANCE IN MR. MARTINBIANCO ABSENT).

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Absent	
Duane Haskins	Councilman	Present	
Steven Heffner	President	Present	
Ellen Ellenburg	Councilwoman	Present	
Steven Hatfield	Councilman	Present	
Dennis O'Keefe	Councilman	Present	
Vaughn Smith	Councilman	Present	

D. STAFF PRESENT

Paula Zelenko, Mayor
Rik Hayman, Chief of Staff
Sue Warren, Human Resources
Teresa Karsney, Clerk
Ginger Burke-Miller, Controller
Bette Bigsby, Benefits

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Nov 21, 2016 7:00 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steven Hatfield, Councilman
AYES:	Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith
ABSENT:	Martinbianco

F. ADMINISTRATIVE REPORTS

Mayor Zelenko went over the agenda items.

Mr. President, as you know, every year at this time we receive a list of properties from the County Treasurer that did not sell at the county auction. As is always the case, we are under a narrow timeline to evaluate the properties and let the County Treasurer know if there are any of the properties that we do not want to revert to the city. The building inspector and assessor's office has completed their inspections and made the recommendation to reject 13 of the properties. If you are so inclined to add the resolution to tonight's agenda, if not it will be on the December 19 agenda.

Along those same lines, the city has several side lot type properties that just are not selling. We would like council to consider a special side lot sale program to adjacent property owners. We are still pulling together samples and information, but want you to know that we will be requesting the Legislative Committee take up this issue sometime after the New Year. In addition, the City Attorney has mentioned a few other items that the Legislative Committee needs address regarding weapons, delinquency of minors, and the solicitors/panhandlers issue needs another review.

Also at your seat is information regarding a package of bills that was introduced in the Michigan House of Representatives to address municipal pension and OPEB unfunded liabilities. It is unknown if there is enough support to run this package during lame-duck, but regardless, the only time the public can be recognized for comment is during the committee process. These bills are being taken up in Committee tomorrow morning and I will be attending with testimony.

In regards to the annual audit, the folks with Rehmann have informed us that they are in process of finalizing and printing our Comprehensive Annual Finance Report and we should have it by the end of the week. Unless you direct otherwise, Rehmann will be here on December 19th at 6 p.m. to go over the audit findings.

Reminder that Thursday, December 8 at 3 p.m. is a Finance Committee meeting. Mrs. Burke-Miller will have that agenda loaded in IQM2 tomorrow morning and the clerk will post the agenda accordingly.

The state-wide recount on the Presidential election is moving forward. Genesee County is scheduled to begin Wednesday, December 7, 2016 at 8 a.m. So our clerk's office staff will be at the County Administration building all day.

As I mentioned earlier, Attorney Leadford will be here tonight and requesting a closed session as permitted under OMA Section 8 a, c and h. (Charges, complaints, evaluation of employee, negotiation strategy).

This past Saturday, Pizza with Santa and the Christmas Glow Parade were held and well attended. Thank you to Mrs. Bigsby, the Park and Recreation Commission and the community partners for two wonderful events.

G. COMMITTEE REPORTS

Mr. Hatfield stated that Pizza with Santa was every well attended. He also wanted to thank Mrs. Bigsby.

H. AUDIENCE PARTICIPATION

City Council received comments from the following people:

Rick Fuhst of Burton - In regards to the Council meetings starting on time.
Raymond Freiberger of Burton - In regards to filling Mrs. Ellenburg position on Council.
Mark Horsman of Burton - Cost of the bonds for the DWRF Phase 4.

I. COUNCIL DISCUSSION

Council had discussion on the following:

Properties owned by Oxford Bank
Panhandler
Minor in possession
Weapons
Removal of Mrs. Ellenburg from Planning Commission

1. Motion to go in closed session under OMA Section 8 a, c and H before Council action.

   Council went into closed session at 8:17 p.m.
   Council came out of closed session at 9:05 p.m.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Vaughn Smith, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith
ABSENT:	Martinbianco

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) 11-17-16 to 11-29-16 in the amount $3,579.75.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Duane Haskins, Councilman
AYES:	Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith
ABSENT:	Martinbianco

2. Approve and authorize the sale of Vacant Lot – Kleinpell St., Parcel No. 59-28-502-090, to give first and final approval for the sale of this improved parcel to Cherry Atherton Properties, 5904 Dixie Highway, Clarkston, Michigan 48346 for the sum of $5,000.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith
ABSENT:	Martinbianco

3. Approve and authorize the "Hard Cap" Resolution 2016-20 regarding the cost sharing model set forth in State of Michigan Public Act 152 of 2011. (Choose "opt out" or “hard cap” or “80/20”).

RESULT:	**CARRIED [5 TO 1]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steven Hatfield, Councilman
AYES:	Heffner, Ellenburg, Hatfield, O'Keefe, Smith
NAYS:	Haskins
ABSENT:	Martinbianco

4. Approve and authorize the City Treasurer to pay MERS a lump sum of $1,000,000.00 via wire transfer by 12/31/16 to be applied to the unfunded liability of the City of Burton.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith
ABSENT:	Martinbianco

5. Approve and authorize the amended employment agreement with Sue Warren, Human Resource Director expiring December 31, 2017.

   Mr. Heffner removed this item from the agenda at the beginning of the meeting.
   Mr. Heffner asked this item be put on the December 19th meeting agenda.

Meeting was adjourned at 9:10 PM.

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CITY OF BURTON

BURTON CITY COUNCIL MEETING

NOVEMBER 21, 2016

MINUTES

Council Chambers	Regular Meeting	7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:06 PM.

A. INVOCATION LED BY: MR. SMITH

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

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Duane Haskins	Councilman	Present	
Steven Heffner	President	Present	
Ellen Ellenburg	Councilwoman	Present	
Steven Hatfield	Councilman	Present	
Dennis O'Keefe	Councilman	Present	
Vaughn Smith	Councilman	Present	

D. STAFF PRESENT

Paula Zelenko, Mayor
Ginger Burke-Miller, Controller
Bette Bigsby, Benefits
Teresa Karsney, Clerk
Robert Slattery, DPW Director
Sue Warren, Human Resources

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Nov 10, 2016 7:00 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Duane Haskins, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

2. City Council - Special Meeting - Nov 15, 2016 6:30 PM

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Duane Haskins, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

F. ADMINISTRATIVE REPORTS

Mayor Zelenko presented the agenda.

Attorney Leadford will be here and requested a closed session under Open Meeting Act section 8 a, c, and h.

Follow-up from previous council meeting from November 10th.

Mr. Haskins asked why Atherton Road is taking so long? Do we have an end date? I realize this project seems to be taking longer than expected but all tenants of the contract are being met and the work is actually ahead of schedule and the road is now open to all traffic. Keep in mind that this is not a road project: it was a sanitary sewer project. Since Atherton Road is a two lane road with drainage ditches and sanitary infrastructure is below those ditches, construction workers and equipment must be positioned in the lanes on the roadway to perform the work. Safety for the workers and safety for the public was the primary reason for the road being closed to through traffic.

Mr. Hatfield requested a written report of the status of the demos approved that last go around. Mr. Worthing has provided us a very temporary spreadsheet of the demolitions currently underway. This is a work-sheet, not an official document. The status on demolitions is one of those calls we receive fairly often from citizens so we have been working to develop a document for the website that systematically stays current. Mr. Worthing is here tonight to address any specific concerns you may have on a property.

Mr. Smith expressed that he has been hearing Mrs. Abbey is supposed to support the planning commission with the vision plan, not tell them what to do and ignore their input. That is correct. I think there has been a misunderstanding of each of our roles in this process, but be assured that Mrs. Abbey is not making any Planning Commission decisions. She assists Rowe in gathering information and proofing working documents for accuracy. Mrs. Abbey is the Deputy Planning and Zoning Official for the City. Her main responsibility is to assist the City Planner, but that is a position we have not filled, so she is the point person for everything Zoning and Planning. Her responsibilities do not stop at just assisting the Zoning Board and Planning Commission members and advising them at meeting but all the daily details that involve our ordinances, permitting, assisting residential and business development. The Master Plan development support falls under her responsibility as the City's point person.

Rowe Inc. was hired to develop the Master Plan. The Planning Enabling Act dictates the procedure to follow. It is Rowe's responsibility to gather the necessary uninfluenced information from the general public. This is why it is not necessary for Commission members, Council members, Mayor to attend the public engaging sessions because Rowe needs to gather as much uninfluenced information from the general public as possible. This doesn't mean that we are not welcome to attend, because we are. And it doesn't mean the Planning Commission is not acting, because they are the vehicle that drives the Master Plan process by initially setting the goals and guidelines at Planning Commission meetings. Rowe is just about finished with the general public information gathering and there will be an open house in January to kick off these findings.

This is where the Planning Commission's work really begins. The Act tasks the Planning Commission to refine the ideas in the Master Plan draft proposed by Rowe. This is likely to take a few months of meetings for the Planning Commission. There will be Planning Commission public hearing type meeting required, a time frame for neighboring communities to review it, and other such obligations that Rowe will facilitate us through. Once the Planning Commission is satisfied they will vote to adopt the Master Plan and refer to the City Council for confirmation. The way I recall, once the Master Plan is laid before City Council, Council will vote it up or down. Rowe has put together a package of the preliminary working documents so that you can see what stage we are in right now. So I hope this helps explain the process and our roles.

Mr. Haskins was curious why the bond payment on last meeting's agenda decreased. Mr. O'Keefe was correct when he explained that as the amount of principal is reducing, the interest on the principal balance is less and the combination equated to a lower payment.

Other reminders and follow up;

PA 152 the 80/20 vs hard cap will be before you on December 5th. The additional MERS annual payment will be on your December 5th meeting. The annual audit is near completion. I hope to have more specific updates for you on December 5th.

We are in need of a Finance Committee meeting to over budget amendments that will be needed soon.

1. Revenue and Expenditure Report October 2016

G. COMMITTEE REPORTS

Mrs. Ellenburg stated that Rowe has dropped off an update on the Master Plan for everyone to read over. The next Planning Commission meeting is on December 13th.

Mr. Martinbianco asked if the Rowe is taking into consideration the Master Plans from DDA and Parks and Recreation. Mrs. Ellenburg stated they are being worked into the City's Master plan.

Mr. Smith talked about the Planning Commission compensation for extra meetings for the Master Plan.

Mr. Hatfield stated the Pizza with Santa is December 3rd at Bendle High School from noon until 3:00 p.m. The annual Christmas Glow Parade is December 3rd at 5:30 p.m.

Mr. Hatfield stated the they are working on the website and the BSA building permits are now online.

H. AUDIENCE PARTICIPATION

City Council received comments from the following people:

John Davis of Burton on the cost of a water meters for well customers.
Scott Somers of Burton on special assessments on the property owned by Oxford Bank.
Amber Abbey of Burton on position at the city.
Mark Horsman of Burton cost of the flat rate sewer bills.
John Stapish of Burton on administration fees added to his demolition bill.

I. COUNCIL DISCUSSION

Council had discussion on the following:

Water meter for well customers
Audit due date
Forensic Audits
Deputy Planning and Zoning Official Job duties
Master Plan
Paving of Jimbo Drive
Water bill for resident on Crestline
Ditches on Packard Avenue
Rate study for water and sewer funds
Lots owned by Oxford Bank
Panhandler's on the street corners

The Finance Committee decided to have a Finance meeting on December 8, 2016 at 3:00 p.m.

Went into closed session at 9:17 p.m.
Came out of closed session at 10:56 p.m.

1. Motion to go into closed session under the Open Meeting Act section 8 a, c and h after Council discussion.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) 11/02/16 to 11/15/16 in the amount $4,195.00.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

2. Approve and authorize the Attorney Billing (Masud) in the amount $10,089.00.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

3. Approve and authorize the Burton City Council Regular meeting schedule 2017.

   Mr. Martinbianco asked why the 2nd meeting in January was moved from the 16th to the 17th.

   Clerk Karsney stated that was possible going to be a Holiday in the new union contracts.

   Mr. Hatfield inquired about moving the July 3rd meeting to Thursday, July 6, 2016.

   Motion to amend the meeting schedule by Mr. Martinbianco and seconded by Mr. Hatfield to move the second meeting in January back to January 16, 2016 and to move the second meeting in July to Thursday, July 6, 2016. Also to remove Ellen Ellensburg's name and put To be determined.

   Motion carried.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

4. Approve and authorize the Mayor and City Clerk to execute a contract w/ROWE PSC, 540 S. Saginaw Street, Ste 200, Flint, MI 48502, for CE assistance for the Center Road CMAQ project, (DPW Project No. 15-004-P), for the fee of $21,000.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

5. Approve and authorize the Mayor and City Clerk to execute a contract w/ ROWE PSC, 540 S. Saginaw Street, Ste 200, Flint, MI 48502, for the design of Bristol Road over Thread Creek, (DPW Project No. 11-003-P), for the Not-to-Exceed fee of $46,805.

RESULT:	**CARRIED AS AMENDED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

6. Approve and authorize Resolution 2016-20 authorizing notice of intent to issue bonds and declaration of intent to reimburse from bond proceeds (2017 DWRF Project # 7399-01 Phase 4).

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steven Hatfield, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

7. Approve and authorize the employment agreement of Sue Warren, City of Burton Human Resource Director.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

8. Approve and authorize the adoption of the resolution to extend the moratorium on the acceptance or issuance of applications or permits for medical marijuana facilities in the City of Burton to December 15, 2017.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Duane Haskins, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith

9. Mr. Heffner stated that he is going to appoint Mr. Smith to the Planning Commision to replace Mrs. Ellenburg starting in December 2016.

Meeting was adjourned at 11:12 PM.

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

ADOPTED

Meeting: 12/05/16 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Rachael Boggs
Department Head: Teresa M. Karsney

AGENDA ITEM (ID # 2757)

DOC ID: 2757

Approve and authorize the Attorney Billing (Amanda Doyle) 11-17-16 to 11-29-16 in the amount $3,579.75.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Duane Haskins, Councilman
AYES:	Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith
ABSENT:	Tom Martinbianco

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

ADOPTED

Meeting: 12/05/16 07:00 PM
Department: Mayor's Office
Category: Miscellaneous
Prepared By: Rik Hayman
Department Head: Paula Zelenko

AGENDA ITEM (ID # 2758)

DOC ID: 2758

Approve and authorize the sale of Vacant Lot – Kleinpell St., Parcel No. 59-28-502-090, to give first and final approval for the sale of this improved parcel to Cherry Atherton Properties, 5904 Dixie Highway, Clarkston, Michigan 48346 for the sum of $5,000.00 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

ATTACHMENTS:

- Kleinpell St. (PDF)

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith
ABSENT:	Tom Martinbianco

CONDITIONAL PURCHASE AGREEMENT
Conditioned upon ONE City Council Approval

On ______________ the Burton City Council passed Resolution R-________ authorizing the sale of certain City owned real estate at specific prices. The subject of this Purchase Agreement is one of those parcels. Accordingly, this sale will only require one approval by the Burton City Council prior to closing.

For valuable consideration **THE CITY OF BURTON**, a municipal corporation, of 4303 S. Center Road, Burton, Michigan 48519, as Seller and Cherry Atherton Properties, of 5904 Dixie Highway, Clarkston, Michigan 48346, as Purchaser(s), agree to purchase, the following described real property, vacant land, located in the City of Burton, Genesee County, Michigan being legally described as:

Lot(s) Lot 20 & E 220 FT of LOT 21 SUPERVISORS PLAT OF ATHERTON GARDENS (92)
More commonly known as: Vacant Lot - Kleinpell St.
Permanent Parcel #: 59-28-502-090

together with all improvements, appurtenances, heridetenements now on the premises.

1. **PURCHASE PRICE.**
The Purchase Price for the above described property shall be $5,000.00 payable in cash or certified funds at closing.

2. **DEPOSIT:**
In the event that the Purchaser is submitting this Purchase Agreement for City Council consideration, an earnest money deposit in the amount of Ten (10%) percent of the price being offered is hereby submitted with this Purchase Agreement.

3. **CLOSING:**
(a) Purchaser acknowledges and understands that all sales of City owned property must be approved by the Burton City Council and that the sale of this particular parcel of property is conditioned upon one such council approval. If the Council fails to approve this sale, then and in that event this Agreement will be deemed null and void and Seller shall forthwith return Purchaser's earnest money deposit.

(b) Closing shall take place within fifteen (15) business days of City Council approval of this sale. At which time Purchaser will pay to Seller the balance of the purchase price in cash or certified funds and Seller shall convey a Covenant Deed to purchaser in a form suitable for recording. **Purchaser will be responsible for recording the Covenant Deed.**

4. **<u>TITLE</u>:**

Seller has obtained title to the above described property through the property tax reversion process, through a Genesee County Circuit Court Quiet Title Action, or by bequest. Seller does not warrant title. Purchaser is responsible to obtain evidence of satisfactory title. Seller will not provide title insurance.

In the event that Purchaser's title search discloses title defects, Purchaser shall have twenty (20) days from the date of the execution of this Agreement to rescind this transaction by written notification to the City Clerk. Upon termination within the twenty (20) day period, Seller shall return the earnest money deposit to Purchaser and this Agreement shall be null and void.

Seller will convey it's interest in the property, which it has obtained by Circuit Court Judgment Quieting Title, by bequest or by Circuit Court Judgment conveying same, to Purchaser by Covenant Deed.

5. **<u>CONDITION OF PREMISES</u>:**

Purchaser acknowledges that the premises is being sold "AS IS" and that Seller has made absolutely no representations to Purchaser regarding the condition of the premises or any personal property which may be located within or upon the premises. There are no warranties of any type, expressed or implied being given by Seller to Purchaser.

6. **<u>TAXES</u>:**

Seller makes no representations regarding the status of either real or personal property taxes pertaining to the property above described. There shall be no proration of taxes as Purchaser shall be solely responsible for all unpaid taxes, assessments, and fees which may or may not be a lien against the premises at the time of closing. In addition to being solely responsible for all taxes, both past due and current, Purchaser is also responsible to pay any tax certification, revenue stamp and recording fees which may be associated with the recording of the deed.

7. **<u>ENTIRE CONTRACT</u>:**

Seller and Purchaser agree that they have read this document, that they understand its terms and agree to be bound thereby, and that there are no other agreements in writing or otherwise between them concerning the subject of this contract, and that this contract embodies the complete and entire agreement between them concerning the subject of this contract.

8. **BINDING EFFECT**:

Seller and Purchaser agree that the covenants and undertakings of this contract shall also bind their heirs, personal representatives, administrators, executors, assigns and successors; and that said covenants and undertakings as expressed herein shall continue to bind the parties subsequent to the final closing.

9. **MISCELLANEOUS PROVISIONS**:

1) Each party shall be responsible to pay their respective attorney fees.
2) All parties acknowledge receipt of a signed copy of this Purchase Agreement.
3) In the event that the property being conveyed herein was subject to a Circuit Court Title Action, all parties acknowledge receipt of a copy of the Judgment Quieting Title or an Order Conveying Title to the City of Burton.

SIGNED IN THE PRESENCE OF:

Brenda S. Moulton

BRENDA S. MOULTON
PURCHASING AGENT

SELLER:

THE CITY OF BURTON

BY: PAULA ZELENKO
ITS MAYOR

Dated: ______________________

BY: TERESA KARSNEY
ITS CLERK

Dated: ______________________

PURCHASER:

***MARK CHERRY**
CHERRY ATHERTON PROPERTIES
Dated: 11/18/2016

*
Dated: ______________________

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

ADOPTED

Meeting: 12/05/16 07:00 PM
Department: City Council
Category: Resolution
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

AGENDA ITEM (ID # 2759)

DOC ID: 2759

Approve and authorize the "Hard Cap" Resolution 2016-20 regarding the cost sharing model set forth in State of Michigan Public Act 152 of 2011. (Choose "opt out" or "hard cap" or "80/20").

ATTACHMENTS:

- PA152 MEMO (PDF)
- PA152 Information (PDF)
- Health Care PA152 2016-20 (DOCX)

RESULT:	**CARRIED [5 TO 1]**
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steven Hatfield, Councilman
AYES:	Heffner, Ellenburg, Hatfield, O'Keefe, Smith
NAYS:	Duane Haskins
ABSENT:	Tom Martinbianco

INTEROFFICE MEMORANDUM

TO:	MAYOR ZELENKO
FROM:	GINGER BURKE-MILLER, CONTROLLER
SUBJECT:	PA 152 OF 2011 FOR FISCAL YEAR 2017-2018
DATE:	NOVEMBER 30, 2016

It is that time of year again whereby City Council needs to choose between the health insurance choices of: Opt Out, Hard Cap or 80/20. Per the State of Michigan, to qualify for EVIP in the state's fiscal year of 2013-2014, compliance with PA 152 was omitted as a requirement of obtaining EVIP dollars. As we know, EVIP as it was called ceases to exist and is now called CVTRS (Cities, Townships and Villages Revenue Sharing) but reporting requirements remain from 2014 forward. There is a health insurance requirement for obtaining Act 51 dollars. This requirement states that if a municipality complies with PA 152 of 2011, then Act 51 dollars will continue uninterrupted. Attached you will find a copy of the analysis of the Hard Cap versus 80/20 options. As in prior years, I have included the amount to come out of paychecks on a weekly basis (council member data is on a monthly basis). I have also included a box showing the annual out-of-pocket expenses for the employees. This number includes the co-insurance amounts of $1,000 per single employee and $2,000 per couple and $2,000 per family.

If Council members have questions prior to the December 5, 2016 meeting or need further clarification, they can direct their questions to me through your office as per proper protocol.

Thank you.

* Does not include Reinsurance and PCORI fees of $29.08 per year, per covered life.
S= $29.08 per year
2P= $58.16 per year
F= $116.32 per year (family of 4)

NOTE: THE 2017-2018 PER PAY AMOUNTS ASSUME A 7% INCREASE IN INSURANCE PREMIUM

HARD CAP

Hard cap limits	Currently 2016-2017	2017-2018		
Single	6,142.11	6,344.80		
Two Person	12,845.04	13,268.93		
Family	16,751.23	17,304.02		

Hard Cap - Community Blue		Currently Per Week 2016-2017	INCLUDES ADD'L 7% Per Week 2017-2018
Single		38.25	44.99
Two Person		91.79	107.98
Family		114.74	134.97
Council Person - single	per monthly pay	130.81	136.41
Council Person - two person	per monthly pay	311.73	324.02
Council Person - Family	per monthly pay	395.23	404.42
Hard Cap - Simply Blue w/HRA		**2016-2017**	**2017-2018**
Single		12.88	16.48
Two Person		30.92	39.56
Family		38.65	49.45
Council Person - single	per monthly pay	113.92	116.44
Council Person - two person	per monthly pay	252.61	267.43
Council Person - Family	per monthly pay	319.76	322.85

80/20

80/20 - Community Blue		Currently Per Week 2016-2017	INCLUDES ADD'L 7% Per Week 2017-2018
Single		29.38	31.48
Two Person		69.84	74.77
Family		87.19	93.33
Council Person - single	per monthly pay	130.81	136.41
Council Person - two persoı	per monthly pay	311.73	324.02
Council Person - Family	per monthly pay	395.23	404.42
80/20 - Simply Blue w/HRA		**2016-2017**	**2017-2018**
Single		25.40	26.87
Two Person		58.29	61.71
Family		70.25	74.50
Council Person - single	per monthly pay	113.92	116.44
Council Person - two persoı	per monthly pay	252.61	267.43
Council Person - Family	per monthly pay	319.76	322.85

If City of Burton does the following:			INCLUDES ADD'L 7%
Opt out	The City pays	$	1,190,247.88
	Employees Pay		Nothing
Hard Cap	The City pays	$	1,018,785.68
	Employees Pay	$	171,462.20
80/20	The City pays	$	952,198.30
	Employees Pay	$	238,049.58

Annual out of pocket for employees
(includes co-insurance plus payroll deduction)

	Single	Two person	Family	
Opt Out	$1,000.00	$2,000.00	$2,000.00	* See note above
Hard Cap	$ 1,856.96	$4,057.12	$ 4,571.40	* See note above
80/20	$ 2,397.28	$5,209.17	$ 5,874.23	* See note above

RESOLUTION 2016-20
CITY OF BURTON
GENESEE, MICHIGAN

APPROVING AND AUTHORIZING UNDER PA 152 OF 2011, THE _________ OPTION FOR HEALTHCARE FOR THE FISCAL YEAR BEGINNING JULY 1, 2017

_________________ moved _____________ seconded the following:

WHEREAS, the City of Burton, State of Michigan, approves and authorizes under PA 152 of 2011, the following options "Opt Out", "Hard Cap" or "80/20" option for healthcare for the fiscal year beginning July 1, 2017; and

WHEREAS, the City of Burton Council at its regular meeting held on December 5, 2016 at City Hall in the City Council Chamber, 4303 South Center Road, Burton, MI 48519 approved the "_______" option for healthcare;

NOW, THEREFORE, BE IT RESOLVED, the City of Burton, State of Michigan, hereby approves the "_______" option for healthcare for the fiscal year beginning July 1, 2017.

Aye:
Nays:
Absent:

CERTIFICATION

I hereby certify that I am the Clerk of the City of Burton and that the foregoing resolution was adopted at a meeting held on the 5th day of December, 2016 by the Burton City Council of the City of Burton and that the meeting was noticed in conformance with the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 et seq.

____
Teresa Karsney, City Clerk

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

ADOPTED

Meeting: 12/05/16 07:00 PM
Department: City Council
Category: Finance
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

J.4

AGENDA ITEM (ID # 2760)

DOC ID: 2760

Approve and authorize the City Treasurer to pay MERS a lump sum of $1,000,000.00 via wire transfer by 12/31/16 to be applied to the unfunded liability of the City of Burton.

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Steven Hatfield, Councilman
SECONDER:	Ellen Ellenburg, Councilwoman
AYES:	Haskins, Heffner, Ellenburg, Hatfield, O'Keefe, Smith
ABSENT:	Tom Martinbianco

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

SCHEDULED

Meeting: 12/05/16 07:00 PM
Department: City Council
Category: Contract
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

AGENDA ITEM (ID # 2761)

DOC ID: 2761

Approve and authorize the amended employment agreement with Sue Warren, Human Resource Director expiring December 31, 2017.

ATTACHMENTS:

- Sue Warren Amended Contract (PDF)

AGREEMENT OF EMPLOYMENT

Between

THE CITY OF BURTON

and

Ietta Sue Warren

Director of Human Resources and Labor Relations

Effective December 1, 2016 to December 31, 2017

AGREEMENT OF EMPLOYMENT

This Agreement of Employment, hereinafter referred to as the Agreement, is made and entered into by and between the CITY OF BURTON, hereinafter referred to as the Employer, and IETTA SUE WARREN, hereinafter referred to as the Employee, for the position of Director of Human Resources and Labor Relations. The purpose of the agreement is the promotion of harmonious relations between the Employer and the Employee, the establishment of wages, hours and days of work, and other conditions of employment.

ARTICLE I
DISCHARGE AND SUSPENSION

The Employee serves, at will, solely at the pleasure of the Mayor. In the event the employee is discharged without cause, the employee may be entitled to receive a severance package of one week pay for every year employed by the City. In the event the Employee is discharged for cause, there will be no severance package. The discharged employee will surrender any and all City issued equipment, keys, badges, security codes and passwords. Employee's final payout and or severance package may be held until all City property is returned and until Employee signs a waiver and release of claims acceptable to the Employer.

ARTICLE II
BEREAVEMENT LEAVE

Bereavement leave may be granted for up to five (5) consecutive calendar days in the event of death in the immediate family. Immediate family shall be defined as employee's spouse, legal dependent of the employee, child, step-child, parent, step-parent, parent-in-law, sibling, step-sibling, grandparent, grandchild, grandparent-in-law, brother-in-law, sister-in-law or any individual residing in the employee's household prior to death. Documentation substantiating the need for leave may be required by the Employer.

ARTICLE III
PAY PERIOD AND WAGE/SALARY

Employee shall be paid in full by direct deposit. In the event this day is a holiday, the preceding day shall be the payday. The annual wage/salary for this agreement is $60,000.00.

ARTICLE IV
DISABILITY, SICKNESS OR ACCIDENT

The City agrees to provide sick and accident insurance for Employee. The Employee shall receive 100% payment of her salary and benefits from the City for the first thirty (30) days while off work due to disability. Thereafter, she shall receive two-thirds (2/3) of her regular salary from the insurance carrier for a period not to exceed one year from the date of the first day of the disability leave. Plan documents shall at all times control.

ARTICLE V
LIFE, HEALTH, DENTAL AND OPTICAL COVERAGE

The City agrees that subject to the terms and conditions of the carrier and applicable plan documents, it shall offer to the Employee and family group life insurance, health care coverage, dental coverage, and optical coverage. The City retains the right to amend, change, or terminate any of these benefits at any time.

ARTICLE VI
VACATION

Employee shall be entitled to fifteen (15) days of vacation. All vacation time to be taken within the calendar year. Unused vacation time shall be forfeit, and shall not roll over into the next calendar year.

ARTICLE VII
PERSONAL TIME OFF (PTO) DAYS

Employee shall be entitled to receive ten (10) PTO days per year. Unused PTO days shall be forfeit, and shall not roll over into the next calendar year.

ARTICLE VIII
HOLIDAY PAY

Employee shall be entitled to the following holidays: New Year's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, day after Thanksgiving, day before Christmas, Christmas Day, and New Year's Eve.

ARTICLE IX
RETIREMENT

The City shall contribute to the MERS Defined Contribution Plan in the amount of fifteen percent (15%) of base pay on behalf of Employee.

ARTICLE X
SEPARABILITY AND SAVINGS CLAUSE

In the event that any provisions of this Agreement shall at any time be declared invalid by any Court of competent jurisdiction, the decision shall not invalidate the entire Agreement, being the expressed intent of the Parties that all other provisions shall remain in full force and effect.

ARTICLE XI
TERMINATION

This Agreement shall be effective as of December 1, 2016 and shall remain in full force and effect until December 31, 2017, when it shall terminate without any notice required by either party.

CITY OF BURTON: **EMPLOYEE:**

____
Paula Zelenko, Mayor Date

____
Ietta Sue Warren, Director HR/LR Date

____
Teresa Karsney, City Clerk Date