CITY OF BURTON

BURTON CITY COUNCIL MEETING

FEBRUARY 19, 2018

AGENDA

Council Chambers	Regular Meeting	7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

A. INVOCATION LED BY: VAUGHN SMITH

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

C. ROLL CALL

D. STAFF PRESENT

E. APPROVAL OF MINUTES

F. ADMINISTRATIVE REPORTS

G. COMMITTEE REPORTS

H. AUDIENCE PARTICIPATION

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

I. COUNCIL DISCUSSION

J. COUNCIL ACTION

1. Approve and authorize Attorney billing (A. Doyle) 1-31-2018 to 2-13-2018 in the amount of $6321.00

2. Approve and authorize the Attorney Billing (Masud) 12/27/2018 to 01/29/2018 in the amount $4,674.00.

3. Approve and authorize the Burton City Council to set a Public Hearing on Tuesday, April 17, 2018 for the following properties: 1487 S. Genesee Rd at 5:00 p.m.; 2231 Judd at 5:15 p.m.; 1449 Maple (additional house on the NW corner of Property) at 5:30 p.m.; 1364 Norton at 5:45 p.m.; 4390 S. Vassar at 6:00 p.m.; 1147 Wells at 6:15 p.m. ; 2159 Whittemore at 6:30 p.m.; to consider any objections and/or favorable comments relative to the Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton: should the council find this favorable or any other date and time Council prefers, allowing 45 days to get title search done and notice to property taxpayers for the scheduled hearings.

4. Approve and authorize the Burton City Council to set a Public Hearing on Monday, April 16, 2018 for the following properties: 1523 Alcona (in ground pool) at 5:15 p.m.; 2197 Bergin at 5:30 p.m.; 2107 Brady at 5:45 p.m.; 2103 Bramblewood at 6:00 p.m.; 3361 S. Center at 6:15 p.m.; 3231 S. Dort Hwy. at 6:30 p.m.; 4028 Fatihway at 6:45 p.m.; to consider any objections and/or favorable comments relative to the Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton: should the council find this favorable or any other date and time Council prefers, allowing 45 days to get title search done and notice to property taxpayers for the scheduled hearings.

5. Approve and authorize Mayor and Clerk to sign Resolution 2018-1 to award the DWRF Segment 5 construction contract to Salenbien Trucking and Excavating Inc., 9217 Ann Arbor Rd., Dundee MI 48131, the lowest responsive bidder for a cost not to exceed $2,430,548.30

6. Approve and authorize ordinance 2018-1-87 (c) to provide for the acquisition and construction of additions, extensions and improvements to the water supply and sewage disposal system of the City of Burton; to provide for the issuance and sale of junior lien revenue bonds to pay the cost thereof; to prescribe the form of the bonds; to provide for the collection of revenues from the system sufficient for the purpose of paying the costs of operation and maintenance of the system and to pay the principal of and interest on the bonds; to provide for security for the bonds; to provide for the segregation and distribution of the revenues; to provide for the rights of the holders of the bonds in enforcement thereof; and to provide for other matters relating to the bonds and the system.

7. Approve and authorize the following 2017-2018 budget amendment: Increase 2065-0000-673.0000 Sale of Assets-Drug Law Enforcement by $13,095 and Increase 2065-0000-955.0000 Drug Law Enforcement Related Expense by $13,095.

8. Approve and authorize the following 2017-2018 budget amendment: Decrease 2007-2007-811.7813 OCDETF Expenditures by $5,000, 2007-2007-811.7814 Meth Grant Expenditures by $5,000 and 2007-2007-985.0000 Police Vehicles by $10,000; Increase 2007-2007-863.0000 Auto Repair-Police by $20,000.

9. Approve and authorize the following 2017-2018 budget amendment: Decrease 2002-4078-706.0000 Salaries Permanent-Winter Maintenance by $4,000 and 2003-4078-705.0000 Supervision Salaries-Winter Maintenance by $1,000; Increase 2002-4078-709.0000 Overtime-Winter Maintenance by $4,000 and 2003-4078-709.0000 Overtime-Winter Maintenance by $1,000.

K. FIRST READING OF ORDINANCE

1. Consumers Energy Company Gas and/or Electric Franchise Ordinance.

An ORDINANCE, granting CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CITY OF BURTON, GENESEE COUNTY, Michigan, for a period of thirty years.

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

SCHEDULED

MOTION (ID # 3556)

Meeting: 02/19/18 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Marcy Kimball
Initiator: Bette Bigsby
Sponsors:
DOC ID: 3556

Approve and authorize Attorney billing (A. Doyle) 1-31-2018 to 2-13-2018 in the amount of $6321.00

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

SCHEDULED

MOTION (ID # 3555)

Meeting: 02/19/18 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Marcy Kimball
Initiator: Bette Bigsby
Sponsors:
DOC ID: 3555

Approve and authorize the Attorney Billing (Masud) 12/27/2018 to 01/29/2018 in the amount $4,674.00.

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

ADOPTED

Meeting: 02/19/18 07:00 PM
Department: Department of Public Works
Category: Resolution
Prepared By: Amber Abbey
Department Head: Charles Abbey

AGENDA ITEM (ID # 3544)

DOC ID: 3544

Approve and authorize the Burton City Council to set a Public Hearing on Tuesday, April 17, 2018 for the following properties: 1487 S. Genesee Rd at 5:00 p.m.; 2231 Judd at 5:15 p.m.; 1449 Maple (additional house on the NW corner of Property) at 5:30 p.m.; 1364 Norton at 5:45 p.m.; 4390 S. Vassar at 6:00 p.m.; 1147 Wells at 6:15 p.m. ; 2159 Whittemore at 6:30 p.m.; to consider any objections and/or favorable comments relative to the Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton: should the council find this favorable or any other date and time Council prefers, allowing 45 days to get title search done and notice to property taxpayers for the scheduled hearings.

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ADOPTED

Meeting: 02/19/18 07:00 PM
Department: Department of Public Works
Category: Contract
Prepared By: Robert Slattery
Department Head: Robert Slattery

AGENDA ITEM (ID # 3542)

DOC ID: 3542

Approve and authorize Mayor and Clerk to sign Resolution 2018-1 to award the DWRF Segment 5 construction contract to Salenbien Trucking and Excavating Inc., 9217 Ann Arbor Rd., Dundee MI 48131, the lowest responsive bidder for a cost not to exceed $2,430,548.30

ATTACHMENTS:

- MoE re Tentative Award of Bid to Salenbien for DWRF 5 Construction (DOCX)
- RESOLUTION OF TENTATIVE AWARD - DWRF 5 v2 (PDF)

To: Paula Zelenko, Mayor
From: Robert Slattery, DPW Director
Date: February 13. 2018

Re: Memo of Explanation for Agenda ID # 3542
Regular Council Meeting of February 19, 2018

Proposal to Tentatively Award A Construction Contract For DWRF Segment 5

Madam Mayor:

Agenda item wording:

Approve and authorize Mayor and Clerk to sign Resolution 2018-1 to award the DWRF Segment 5 construction contract to Salenbien Trucking and Excavating Inc., 9217 Ann Arbor Rd., Dundee MI 48131, the lowest responsive bidder, for a cost not to exceed $2,430,548.30

Explanation:

On January 25, 2018, at 10:30 AM bids were opened and read aloud at City of Burton City Hall for construction of the DWRF Segment 5 project. A total of eight (8) bids were received, ranging from a low bid in the amount of $2,430,548.30, submitted by Salenbien Trucking and Excavating Inc., of Dundee Michigan, to a high bid in the amount of $3,480,485.00, submitted by Pamar Enterprises, Inc. of New Haven, Michigan Upon review of the bids by Stantec and MDEQ, low bid, from Salenbien Trucking and Excavation Inc. (Salenbien) of Dundee, Michigan, with a bid amount of $2,430,548.30, was determined to be ‘responsive’.

It is Stantec’s opinion that Salenbien has the ability to perform the work satisfactorily on this project. If the City elects to award them the DWRF Segment 5 project in the amount of Two Million, Four Hundred and Thirty Thousand, Five Hundred Forty-Five and 30/100 Dollars ($2,430,548.30), Stantec recommends that the city issue a “TENTATIVE Resolution of Award” contingent upon successful financial arrangements with the DWRF.

RESOLUTION 2018-1
CITY OF BURTON
GENESEE COUNTY, MICHIGAN

A RESOLUTION TO TENTATIVELY AWARD
A CONSTRUCTION CONTRACT FOR WATER SYSTEM IMPROVEMENTS

________________________ moved and ____________________ seconded the following motion:

WHEREAS, the City of Burton *(legal name of applicant)* wishes to construct improvements to its existing water treatment and distribution system; and

WHEREAS, the water system improvements project formally adopted on April 15, 2013 *(date of final project plan adoption)* will be funded through the state of Michigan's Drinking Water Revolving Loan Fund (DWRF) program; and

WHEREAS, the City of Burton *(legal name of applicant)* has sought and received construction bids for the proposed improvements and has received a low bid in the amount of $2,430,548.30 from Salenbien Trucking & Excavating *(name of the contractor)*; and

WHEREAS, the (*Village's/City's/Township's/County's)* engineer, Stantec has recommended awarding the contract to the low bidder.

NOW THEREFORE BE IT RESOLVED, that the City of Burton *(legal name of applicant)* tentatively awards the contract for construction of the proposed water system improvements project to Salenbien Trucking & Excavating *(name of the contractor)*, contingent upon successful financial arrangements with the DWRF.

I, Richard Hayman, Acting City Clerk of Burton, do certify that the above Resolution was duly adopted in conformance with Act 276 Public Acts of Michigan at a Regular Meeting of the City of Burton Council held at Burton City Hall, February 19, 2018 at 7:00 p.m. by the following vote:

Yeas:
Nays:
Abstain:
Absent:

Paula K. Zelenko, Mayor Date

Richard Hayman, Acting City Clerk Date

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

Meeting: 02/19/18 07:00 PM
Department: Department of Public Works
Category: Bond
Prepared By: Robert Slattery
Department Head: Robert Slattery

ADOPTED

AGENDA ITEM (ID # 3545)

DOC ID: 3545

Approve and authorize ordinance 2018-1-87 (c) to provide for the acquisition and construction of additions, extensions and improvements to the water supply and sewage disposal system of the City of Burton; to provide for the issuance and sale of junior lien revenue bonds to pay the cost thereof; to prescribe the form of the bonds; to provide for the collection of revenues from the system sufficient for the purpose of paying the costs of operation and maintenance of the system and to pay the principal of and interest on the bonds; to provide for security for the bonds; to provide for the segregation and distribution of the revenues; to provide for the rights of the holders of the bonds in enforcement thereof; and to provide for other matters relating to the bonds and the system.

ATTACHMENTS:

- Ordinance_DWRF_Junior Lien_LT Pledge_2018 - 30597751_1 - v2 (DOC)

ORDINANCE NO. 2018-1-87 (C)

AN ORDINANCE TO PROVIDE FOR THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM OF THE CITY OF BURTON; TO PROVIDE FOR THE ISSUANCE AND SALE OF JUNIOR LIEN REVENUE BONDS TO PAY THE COST THEREOF; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; TO PROVIDE FOR SECURITY FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM.

THE CITY OF BURTON ORDAINS:

Section 1. Definitions. Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

(a) "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

(b) "Authority" means the Michigan Finance Authority.

(c) "Authorized Officers" means the Mayor, the City Controller, the City Clerk and the City Treasurer of the Issuer.

(d) "Bonds" means the Series 2018 Bonds, together with any additional bonds heretofore or hereafter issued of equal standing with the Series 2018 Bonds.

(e) "Engineers" means Stantec, consulting engineers of Ann Arbor, Michigan.

(f) "Issuer" means the City of Burton, County of Genesee, State of Michigan.

(g) "MDEQ" means the Michigan Department of Environmental Quality.

(h) "Outstanding Bonds" means the Outstanding Junior Lien Bonds and Outstanding Senior Lien Bonds.

(i) "Outstanding Junior Lien Bonds" means the Series 2014 Bonds, Series 2015 Bonds, Series 2015B Bonds, Series 2016 Bonds, Series 2017 Bonds and any additional bonds issued that are of equal standing and priority of lien with the Series 2014

Bonds, Series 2015 Bonds, Series 2015B Bonds, Series 2016 Bonds and Series 2017 Bonds.

(j) "Outstanding Senior Lien Bonds" means the Series 2011 Bonds and any additional bonds issued that are senior in standing and priority of lien with the Outstanding Junior Lien Bonds.

(k) "Prior Bonds" means the Series 2011 Bonds, Series 2014 Bonds, Series 2015 Bonds, Series 2015B Bonds, Series 2016 Bonds and Series 2017 Bonds.

(l) "Prior Ordinances" means Ordinance Nos. 87(C), 2011-4-87(C), 2014-2-SO, 2015-3-87(C), 2015-4-87(C), 2016-1-87(C) and 2017-1-87(C) adopted by the City Council authorizing the issuance of the Prior Bonds.

(m) "Project" means the acquisition, construction, furnishing and equipping of additions, extensions and improvements to the Issuer's Water Supply and Sewage Disposal System, together with all necessary interests in land, rights of way and all appurtenances and attachments therefor, as described in the plans prepared by the Engineers and approved herein.

(n) "Purchase Contract" means the Purchase Contract to be entered into between the Authority and the Issuer relating to the purchase by the Authority of the Series 2018 Bonds.

(o) "Revenues" and "Net Revenues" means the revenues and net revenues of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues", the earnings derived from the investment of moneys in the various funds and accounts established by the Prior Ordinances and this Ordinance.

(p) "Series 2011 Bonds" means the Issuer's Water Supply and Sewage Disposal System Revenue Refunding Bonds, Series 2011, dated December 7, 2011, in the original principal amount of $1,390,000.

(q) "Series 2014 Bonds" means the Issuer's 2014 Water Supply and Sewage Disposal System Junior Lien Revenue Bond (Limited Tax General Obligation), dated June 25, 2014, in the original principal amount of $6,000,000.

(r) "Series 2015 Bonds" means the Issuer's 2015 Water Supply and Sewage Disposal System Junior Lien Revenue Bond (Limited Tax General Obligation), dated June 25, 2015, in the original principal amount of $5,000,000.

(s) "Series 2015B Bonds" means the Issuer's Water Supply and Sewage Disposal System Junior Lien Revenue Bond, Series 2015B (Limited Tax General Obligation), dated September 17, 2015, in the original principal amount of $7,625,000.

(t) "Series 2016 Bonds" means the Issuer's 2016 Water Supply and Sewage Disposal System Junior Lien Revenue Bond (Limited Tax General Obligation), dated April 11, 2016, in the original principal amount of $4,030,000.

(u) "Series 2017 Bonds" means the Issuer's 2017 Water Supply and Sewage Disposal System Junior Lien Revenue Bond (Limited Tax General Obligation), dated April 10, 2017, in the original principal amount of $3,895,000.

(v) "Series 2018 Bonds" means the Issuer's 2018 Water Supply and Sewage Disposal System Junior Lien Revenue Bond (Limited Tax General Obligation), in the principal amount of not to exceed $3,200,000 issued pursuant to this Ordinance.

(w) "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

(x) "Supplemental Agreement" means the supplemental agreement among the Issuer, the Authority and MDEQ relating to the Series 2018 Bonds.

(y) "System" means the entire Water Supply and Sewage Disposal system of the Issuer, including the Project and all additions, extensions and improvements hereafter acquired.

Section 2. Necessity; Approval of Plans and Specifications. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project in accordance with the plans and specifications prepared by the Engineers, which plans and specifications are hereby approved. The Project qualifies for the Drinking Water Revolving Fund financing program being administered by the MDEQ and the Authority, whereby bonds of the Issuer are sold to the Authority and bear interest at a fixed rate of two percent (2.00%) per annum.

Section 3. Costs; Useful Life. The cost of the Project is estimated to be Three Million Two Hundred Thousand Dollars ($3,200,000), including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be not less than thirty (30) years.

Section 4. Payment of Cost; Bonds Authorized. To pay part of the cost of acquiring and constructing the Project, legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2018 Bonds, the Issuer shall borrow the sum of not to exceed Three Million Two Hundred Thousand Dollars ($3,200,000), or such lesser amount as shall have been advanced to the Issuer pursuant to the Purchase Contract and the Supplemental Agreement, and issue the Series 2018 Bonds pursuant to the provisions of Act 94. The remaining cost of the Project, if any, shall be defrayed from Issuer funds on hand and legally available for such use.

Except as amended by or expressly provided to the contrary in this Ordinance, all of the provisions of the Prior Ordinances shall apply to the Series 2018 Bonds issued pursuant to this Ordinance, the same as though each of said provisions were repeated in this Ordinance in detail; the purpose of this Ordinance being to authorize the issuance of additional revenue bonds of subordinate lien with respect to the Outstanding Senior Lien Bonds to finance the cost of acquiring and constructing additions, extensions and improvements to the System, additional bonds of subordinate standing with the Outstanding Senior Lien Bonds for such purpose being authorized by the provisions of the Prior Ordinances, upon the conditions therein stated, which conditions have been fully met.

Section 5. Issuance of Series 2018 Bonds; Details. The Series 2018 Bonds of the Issuer, to be designated **2018 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM JUNIOR LIEN REVENUE BOND (LIMITED TAX GENERAL OBLIGATION)**, are authorized to be issued in the aggregate principal sum of not to exceed Three Million Two Hundred Thousand Dollars ($3,200,000) as finally determined by order of the MDEQ for the purpose of paying part of the cost of the Project, including the costs incidental to the issuance, sale and delivery of the Series 2018 Bonds. The Series 2018 Bonds shall be payable out of the Net Revenues, as set forth more fully in Section 8 hereof, provided that the Series 2018 Bonds shall be subordinate to the prior lien with respect to the Net Revenues in favor of the Outstanding Senior Lien Bonds and of any additional bonds of equal standing with the Outstanding Senior Lien Bonds hereafter issued. The Series 2018 Bonds shall be in the form of a single fully-registered, nonconvertible bond of the denomination of the full principal amount thereof, dated as of the date of delivery, payable in principal installments as finally determined by the order of the MDEQ at the time of sale of the Series 2018 Bonds and approved by the Authority and an Authorized Officer. Principal installments of the Series 2018 Bonds shall be payable on October 1 of the years 2018 to 2048, inclusive, or such other payment dates as hereinafter provided. Interest on the Series 2018 Bonds shall be payable on April 1 and October 1 of each year, commencing October 1, 2018 or on such other interest payment dates as hereinafter provided. Final determination of the principal amount of and interest on the Series 2018 Bonds and the payment dates and amounts of principal installments of the Series 2018 Bonds shall be evidenced by execution of the Purchase Contract and each of the Authorized Officers is authorized and directed to execute and deliver the Purchase Contract when it is in final form and to make the determinations set forth above; provided, however, that the first principal installment shall be due no earlier than October 1, 2018 and the final principal installment shall be due no later than October 1, 2049 and that the total principal amount shall not exceed $3,200,000.

The Series 2018 Bonds shall bear interest at a rate of two percent (2.00%) per annum on the par value thereof or such other rate as evidenced by execution of the Purchase Contract, but in any event not to exceed the rate permitted by law, and any Authorized Officers as shall be appropriate shall deliver the Series 2018 Bonds in accordance with the delivery instructions of the Authority.

The principal amount of the Series 2018 Bonds is expected to be drawn down by the Issuer periodically, and interest on principal amount shall accrue from the date such principal amount is drawn down by the Issuer.

The Series 2018 Bonds shall not be convertible or exchangeable into more than one fully-registered bond. Principal of and interest on the Series 2018 Bonds shall be payable as provided in the Series 2018 Bond form in this Ordinance.

The Series 2018 Bonds shall be subject to optional redemption by the Issuer with the prior written approval of the Authority and on such terms as may be required by the Authority.

The Treasurer of the Issuer shall record on the registration books payment by the Issuer of each installment of principal or interest or both when made and the cancelled checks or other records evidencing such payments shall be returned to and retained by the Treasurer.

Upon payment by the Issuer of all outstanding principal of and interest on the Series 2018 Bonds, the Authority shall deliver the Series 2018 Bonds to the Issuer for cancellation.

Section 6. Execution of Series 2018 Bonds. The Series 2018 Bonds shall be signed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the Clerk and shall have the corporate seal of the Issuer or a facsimile thereof impressed thereon. The Series 2018 Bonds bearing the manual or facsimile signatures of the Mayor and the Clerk sold to the Authority shall require no further authentication.

Section 7. Registration and Transfer. Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Series 2018 Bonds contained in Section 13 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. The Issuer shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

The transfer agent shall keep or cause to be kept at its principal office sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer; and upon presentation for such purpose the transfer agent shall under such reasonable regulations as it may prescribe, transfer or cause to be transferred on said books Bonds as hereinbefore provided.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond, shall execute, and the transfer agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the transfer agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the transfer agent and, if this evidence is satisfactory to both and indemnity satisfactory to the transfer agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the transfer agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond the transfer agent may pay the same without surrender thereof.

Section 8. Payment of Series 2018 Bonds; Security; Priority of Lien. Principal of and interest on the Series 2018 Bonds shall be payable primarily from the Net Revenues. There is hereby recognized the statutory lien upon the whole of the Net Revenues created by this Ordinance which shall be a lien that is junior and subordinate to the lien of the Outstanding Senior Lien Bonds and equal to the lien of the Outstanding Junior Lien Bonds created by the Prior Ordinances, to continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of the Series 2018 Bonds then outstanding, principal and interest, to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of cash or Sufficient Government Obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to the Series 2018 Bonds, the holders of the Series 2018 Bonds shall have no further rights under this Ordinance except for payment from the deposited funds, and the Series 2018 Bonds shall no longer be considered to be outstanding under this Ordinance.

In addition, the Series 2018 Bonds being sold to the Authority, the Issuer hereby pledges its limited tax full faith and credit for the payment of the principal of and interest on the Series 2018 Bonds. Should the Net Revenues of the System at any time be insufficient to pay the principal of and interest on the Series 2018 Bonds as the same become due, then the Issuer shall advance from any funds available therefor, or, if necessary, levy taxes upon all taxable property in the Issuer, subject to constitutional, statutory and charter tax limitations, such sums as may be necessary to pay said principal and interest. The Issuer shall be reimbursed for any such advance from the Net Revenues of the System subsequently received which are not otherwise pledged or encumbered by this Ordinance or the Prior Ordinances.

Section 9. Management; Fiscal Year. The operation, repair and management of the System and the acquiring and constructing of the Project shall continue to be under the supervision and control of the Issuer. The Issuer may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System. The Issuer may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the System. The System shall be operated on the basis of an operating year which shall coincide with the Issuer's fiscal year.

<u>Section 10</u>. <u>Rates and Charges; No Free Service</u>. The rates and charges for service furnished by the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance and are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Series 2018 Bonds and the Outstanding Bonds as the same become due and payable, and the maintenance of the reserves, if any, therefore; and to provide for all other obligations, expenditures and funds for the System required by law, the Prior Ordinances and this Ordinance. No free service or use of the System, or service or use of the System at less than cost, shall be furnished by the System to any person, firm, or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

<u>Section 11</u>. <u>Funds and Accounts; Flow of Funds; Junior Lien Bond and Interest Redemption Fund</u>. All funds belonging to the System and all Revenues of the System shall continue to be set aside as collected and credited to the Receiving Fund established by the Prior Ordinances (the "Receiving Fund"), except as provided in this Ordinance. The Revenues credited to the Receiving Fund are pledged for the purposes of the funds and accounts established by the Prior Ordinances and this Ordinance and shall be transferred or debited from the Receiving Fund periodically in the manner and at the times and in the order of priority specified in the Prior Ordinances and this Ordinance.

<u>*Funding Existing Funds and Accounts.*</u> Out of the Revenues in the Receiving Fund there shall be transferred and debited the amounts required by the Prior Ordinances to be deposited into the existing Operation and Maintenance Fund, the existing Bond and Interest Redemption Fund (including Bond Reserve Account) and the existing Junior Lien Bond and Interest Redemption Account created pursuant to the Prior Ordinances.

<u>*Junior Lien Bond and Interest Redemption Account*</u>. In the Prior Ordinances, the Issuer created a separate account designated *Junior Lien Bond and Interest Redemption Account* (the "Junior Lien Redemption Account"). Out of the Revenues remaining in the Receiving Fund after provision for the transfers and debits described in the previous paragraph, there shall be set aside at the time of delivery of the Series 2018 Bonds and the first day of each fiscal quarter thereafter in the existing Junior Lien Redemption Account an amount equal to that fraction of the amount of interest due on the next interest payment date the numerator of which is one and the denominator of which is the number of full or partial fiscal quarters to the next interest payment date, less any amount in the Junior Lien Redemption Account representing investment income on amounts on deposit in the Junior Lien Redemption Account. Commencing the first day of the fourth fiscal quarter preceding the first principal installment payment date there shall be set aside in the Junior Lien Redemption Account an amount equal to 1/4 of the amount of principal installment next coming due. If there is any deficiency in the amount previously set aside, that deficiency shall be added to the next succeeding quarterly requirements. The amount to be set aside for the payment of principal and interest on any principal payment shall not exceed the amount which, when added to the money on deposit in the Junior Lien Redemption Account including investment income thereon, is necessary to pay principal and interest due on the Series 2018 Bonds to the next succeeding principal payment date.

Section 12. Bond Proceeds. The proceeds of the sale of the Series 2018 Bonds as received by the Issuer shall be deposited in a separate account in a bank or banks qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94 designated WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM JUNIOR LIEN REVENUE BONDS CONSTRUCTION FUND (the "Construction Fund"). Moneys in the Construction Fund shall be applied solely in payment of the cost of the Project and any engineering, legal and other expenses incident thereto and to the financing thereof.

Section 13. Bond Form. The Series 2018 Bonds shall be in substantially the following form with such changes or completion as necessary or appropriate to give effect to the intent of this Ordinance and subject to such modifications which may be required by the Michigan Attorney General and the Authority and approved by bond counsel:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF GENESEE

CITY OF BURTON

2018 WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM JUNIOR LIEN REVENUE BOND
(LIMITED TAX GENERAL OBLIGATION)

REGISTERED OWNER: Michigan Finance Authority

PRINCIPAL AMOUNT: Three Million Two Hundred Thousand Dollars ($3,200,000)

DATE OF ORIGINAL ISSUE: April 10, 2018

The CITY OF BURTON, County of Genesee, State of Michigan (the "Issuer"), acknowledges itself to owe and for value received hereby promises to pay, primarily out of the hereinafter described Net Revenues of the Issuer's Water Supply and Sewage Disposal System (hereinafter defined), to the Michigan Finance Authority (the "Authority"), or registered assigns, the Principal Amount shown above, or such portion thereof as shall have been advanced to the Issuer pursuant to a Purchase Contract between the Issuer and the Authority and a Supplemental Agreement by and among the Issuer, the Authority and the State of Michigan acting through the Department of Environmental Quality, in lawful money of the United States of America, unless prepaid or reduced prior thereto as hereinafter provided.

During the time the Principal Amount is being drawn down by the Issuer under this bond, the Authority will periodically provide to the Issuer a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the Issuer of its obligation to repay the outstanding Principal Amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this bond.

The Principal Amount shall be payable on the dates and in the annual principal installment amounts set forth on the Schedule attached hereto and made a part hereof, as such Schedule may be adjusted if less than $3,200,000 is disbursed to the Issuer or if a portion of the Principal Amount is prepaid as provided below, with interest on said principal installments from the date each said installment is delivered to the holder hereof until paid at the rate of two percent (2.00%) per annum. Interest is first payable on October 1, 2018, and semiannually thereafter on the first day of April and October of each year, as set forth in the Purchase Contract.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at The Bank of New York Mellon Trust Company, N.A. or at such other place as shall be designated in writing to the Issuer by the Authority (the "Authority's Depository"); (b) the Issuer agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the Issuer's deposit by 12:00 noon on the scheduled day, the Issuer shall immediately pay to the

Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the Issuer and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

Additional Interest

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the Issuer's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the Issuer shall and hereby agrees to pay on demand only the Issuer's pro rata share (as determined by the Authority) of such deficiency as additional interest on this bond.

For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply and Sewage Disposal System of the Issuer, including all appurtenances, extensions and improvements thereto (the "Water Supply and Sewage Disposal System"), after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory lien thereon is hereby recognized and created.

This bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued pursuant to Ordinance Nos. 87(C), 2011-4-87(C), 2014-2-SO, 2015-3-87(C), 2015-4-87(C), 2016-1-87(C), 2017-1-87(C) and ____ duly adopted by the City Council (the "Ordinances"), and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying part of the cost of acquiring and constructing additions, extensions and improvements to the Water Supply and Sewage Disposal System of the Issuer.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of superior and equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinances. This bond is of junior standing and priority of lien as to the Net Revenues to the Issuer's Water Supply and Sewage Disposal System Revenue Refunding Bonds, Series 2011, dated December 7, 2011 (the "Outstanding Senior Lien Bonds") and the Issuer's 2014 Water Supply and Sewage Disposal System Junior Lien Revenue Bond (Limited Tax General Obligation), dated June 25, 2014, 2015 Water Supply and Sewage Disposal System Junior Lien Revenue Bond (Limited Tax General Obligation), dated June 25, 2015, Water Supply and Sewage Disposal System Junior Lien Revenue Bond, Series 2015B (Limited Tax General Obligation), dated September 17, 2015, 2016 Water Supply and Sewage Disposal System Junior Lien Revenue Bond (Limited Tax General Obligation), dated April 11, 2016 and 2017 Water Supply and Sewage Disposal System Junior Lien Revenue Bond (Limited Tax General Obligation), dated April 10, 2017 (the "Outstanding Junior Lien Bonds", together with the Outstanding Senior Lien Bonds, the "Outstanding Bonds").

This bond is primarily a self-liquidating bond, payable, both as to principal and interest, primarily from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory second lien hereinbefore mentioned. As additional security, the Issuer has pledged its limited tax full faith and credit for payment of the principal of and interest on the bonds of this issue, which includes the Issuer's obligation to levy taxes, if necessary, within applicable constitutional, statutory and charter tax limitations.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the Net Revenues of the Water Supply and Sewage Disposal System shall be outstanding, such rates for service furnished by the Water Supply and Sewage Disposal System as shall be sufficient to provide for payment of the interest upon and the principal of this bond and any bonds of equal standing with this bond and the Outstanding Junior Lien Bonds, the Outstanding Senior Lien Bonds and any additional bonds of equal standing with the Outstanding Senior Lien Bonds, as and when the same shall become due and payable, and to maintain a bond redemption fund (including, except for bonds of this issue and any Outstanding Junior Lien Bonds, a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the Water Supply and Sewage Disposal System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the Water Supply and Sewage Disposal System as are required by the Ordinances.

Principal installments of this bond are subject to prepayment by the Issuer prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This bond is transferable only upon the books of the Issuer by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance, and upon payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this bond have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the City of Burton, County of Genesee, State of Michigan, by its City Council has caused this bond to be executed with the manual or facsimile signatures of its Mayor and its City Clerk and the corporate seal of the City to be impressed or imprinted hereon, all as of the Date of Original Issue.

CITY OF BURTON

By___________________________________
Its Mayor

(Seal)

Countersigned:

By____
Its City Clerk

DEQ Project No.: 7400-01
DEQ Approved Amt: $3,200,000

SCHEDULE A

Based on the schedule provided below unless revised as provided in this paragraph, repayment of the principal of the bond shall be made until the full amount advanced to the Issuer is repaid. In the event the Order of Approval issued by the Department of Environmental Quality (the "Order") approves a principal amount of assistance less than the amount of the bond delivered to the Authority, the Authority shall only disburse principal up to the amount stated in the Order. In the event (1) that the payment schedule approved by the Issuer and described below provides for payment of a total principal amount greater than the amount of assistance approved by the Order or (2) that less than the principal amount of assistance approved by the Order is disbursed to the Issuer by the Authority, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the Issuer.

Maturity Date	Principal Amount
October 1, 2018	$110,000
October 1, 2019	$75,000
October 1, 2020	$80,000
October 1, 2021	$80,000
October 1, 2022	$80,000
October 1, 2023	$80,000
October 1, 2024	$85,000
October 1, 2025	$85,000
October 1, 2026	$85,000
October 1, 2027	$90,000
October 1, 2028	$90,000
October 1, 2029	$95,000
October 1, 2030	$95,000
October 1, 2031	$95,000
October 1, 2032	$100,000
October 1, 2033	$100,000
October 1, 2034	$100,000
October 1, 2035	$105,000
October 1, 2036	$105,000
October 1, 2037	$110,000
October 1, 2038	$110,000
October 1, 2039	$115,000
October 1, 2040	$115,000
October 1, 2041	$120,000
October 1, 2042	$120,000
October 1, 2043	$125,000
October 1, 2044	$125,000
October 1, 2045	$125,000
October 1, 2046	$130,000
October 1, 2047	$135,000
October 1, 2048	$135,000

Interest on the bond shall accrue on that portion of principal disbursed by the Authority to the Issuer from the date such portion is disbursed, until paid, at the rate of 2.00% per annum, payable October 1, 2018 and semi-annually hereafter.

Section 14. Bondholders' Rights; Receiver. The holder or holders of the Bonds representing in the aggregate not less than twenty per cent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.

If there is a default in the payment of the principal of or interest upon the Series 2018 Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Series 2018 Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Series 2018 Bonds and the security therefor.

Section 15. Additional Bonds. The Issuer may issue additional bonds of equal standing with the Series 2018 Bonds for the following purposes and subject to the following conditions:

(a) To complete the Project in accordance with the plans and specifications therefor. Such bonds shall not be authorized unless the engineers in charge of construction shall execute a certificate evidencing the fact that additional funds are needed to complete the Project in accordance with the plans and specifications therefor and stating the amount that will be required to complete the Project. If such certificate shall be so executed and filed with the Issuer, it shall be the duty of the Issuer to provide for and issue additional revenue bonds in the amount stated in said certificate to be necessary to complete the Project in accordance with the plans and specifications plus an amount necessary to issue such bonds or to provide for part or all of such amount from other sources.

(b) For subsequent repairs, extensions, enlargements and improvements to the System or for subsequent repairs, extensions, enlargements and improvements to the System and for the purpose of refunding part or all of the Junior Lien Bonds then outstanding and paying costs of issuing such additional Junior Lien Bonds. Junior Lien Bonds for such purposes shall not be issued pursuant to this subparagraph (b) unless the Adjusted Net Revenues of the System for the then last two (2) preceding twelve-month operating years or the Adjusted Net Revenues for the last preceding twelve-month operating year, if the same shall be lower than the average, shall be equal to at least one hundred percent (100%) of the maximum amount of principal and interest thereafter maturing in any operating year on the then outstanding Senior Lien Bonds, Junior Lien Bonds and on the additional Bonds then being issued. If the additional Junior Lien Bonds are to be issued in whole or in part for refunding outstanding Junior Lien Bonds, the annual principal and interest requirements shall be determined by deducting from the principal and interest requirements for each operating year the annual principal and interest requirements of any Junior Lien Bonds to be refunded from the proceeds of the additional Junior Lien Bonds. For purposes of this subparagraph (b) the Issuer may elect to use as the last preceding operating year any operating year ending not more than sixteen months prior to the date of delivery of the additional Junior Lien Bonds and as the next to the last preceding operating year, any operating year ending not more than twenty-eight months prior to the date of delivery of the additional Junior Lien Bonds. Determination by the Issuer as to existence of conditions permitting the issuance of additional Junior Lien Bonds shall be conclusive. No additional Junior Lien Bonds of equal standing as to the Net Revenues of the System shall be issued pursuant to the authorization contained in this subparagraph if the Issuer shall then be in default in making its required payments to the Operation and Maintenance Fund or the Redemption Fund.

(c) For refunding a part or all of the Junior Lien Bonds then outstanding and paying costs of issuing such additional Junior Lien Bonds including deposits which may be required to be made to the bond reserve account for such Junior Lien Bonds. No additional Junior Lien Bonds shall be issued pursuant to this subsection unless the maximum amount of principal and interest maturing in any operating year after giving effect to the refunding shall be less than the maximum amount of principal and interest maturing in any operating year prior to giving effect to the refunding.

Section 16. Negotiated Sale; Application to MDEQ and Authority; Execution of Documents. The Issuer determines that it is in the best interest of the Issuer to negotiate the sale of the Series 2018 Bonds to the Authority because the Drinking Water Revolving Fund financing program provides significant interest savings to the Issuer compared to competitive sale in the municipal bond market. The Authorized Officers are hereby authorized to make application to the Authority and to the MDEQ for placement of the Series 2018 Bonds with the Authority. The actions taken by the Authorized Officers with respect to the Series 2018 Bonds prior to the adoption of this Ordinance are ratified and confirmed. The Authorized Officers are each authorized to execute and deliver the Purchase Contract, the Supplemental Agreement and the Issuer's Certificate. Any Authorized Officer is further authorized to execute and deliver such contracts, documents and certificates as are necessary or advisable to qualify the Series 2018 Bonds for the Drinking Water Revolving Fund. Prior to the delivery of the Series 2018 Bonds to the Authority, any Authorized Officer is hereby authorized to make such changes to the form of the Series 2018 Bonds contained in Section 13 of this Ordinance as may be necessary to conform to the requirements of Act 227, Public Acts of Michigan 1985, as amended ("Act 227"), including, but not limited to changes in the principal maturity and interest payment dates and references to additional security required by Act 227.

Section 17. Covenant Regarding Tax Exempt Status of the Bonds. The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exemption of the interest on the Series 2018 Bonds from general federal income taxation (as opposed to any alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Series 2018 Bonds proceeds and moneys deemed to be Bond proceeds.

Section 18. Approval of Bond Counsel. The representation of the Issuer by Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), as bond counsel is hereby approved, notwithstanding the representation by Miller Canfield of the Authority in connection with the State Revolving Fund program which may include advising the Authority with respect to this borrowing.

Section 19. Approval of Bond Details. The Authorized Officers are each hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 7a(1)(c) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of Series 2018 Bonds issued shall not exceed the principal amount authorized in this Ordinance, the interest rate per annum on the Series 2018 Bonds shall not exceed two percent (2.00%) per annum, and the Series 2018 Bonds shall mature in not more than thirty (30) annual installments.

Section 20. Savings Clause. All ordinances, resolutions or orders, or part thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 21. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 22. Publication and Recordation. This Ordinance shall be published in full in *The Flint Journal*, a newspaper of general circulation in the Issuer qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such record authenticated by the signatures of the Mayor and the City Clerk.

Section 23. Effective Date. This Ordinance shall be effective upon its adoption and publication.

ADOPTED AND SIGNED THIS 19th day of February, 2018.

Signed ____________________________________
Its Mayor

Signed ____________________________________
Its City Clerk

I HEREBY CERTIFY that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Burton, County of Genesee, State of Michigan, at a regular meeting held on the 19th day of February, 2018, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:

____

and that the following Members were absent:

____.

I further certify that Member _________________________ moved for adoption of said Ordinance and that said motion was supported by Member _______________________.

I further certify that the following Members voted for adoption of said Ordinance: ____

and that the following Members voted against adoption of said Ordinance:

____.

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and the City Clerk.

____

City Clerk

30597751.1\012916-00061

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

ADOPTED

Meeting: 02/19/18 07:00 PM
Department: Controller's Office
Category: Budget
Prepared By: Karen Moffitt
Department Head: Karen Moffitt

AGENDA ITEM (ID # 3550)

DOC ID: 3550

Approve and authorize the following 2017-2018 budget amendment: Increase 2065-0000-673.0000 Sale of Assets-Drug Law Enforcement by $13,095 and Increase 2065-0000-955.0000 Drug Law Enforcement Related Expense by $13,095.

ATTACHMENTS:

- BA 3550 (PDF)

INTEROFFICE MEMORANDUM

To: Mayor Paula Zelenko
From: Treasurer Karen Moffitt
Date: February 15, 2018

Re: Memo of Explanation for
City Council Meeting of 02/19/2018

Madam Mayor:

I am requesting that Council approve a budget amendment within the Drug Law Enforcement Budget as follows: Increase 2065-0000-673.0000 by $13,095 and 2065-0000-955.0000 by $13,095.

This budget amendment would increase the Sale of Assets revenue account budget to reflect the funds received from the sale of used guns and the expenditure account by the same amount to allow for the purchase of a new fingerprinting machine in the Police Department.

GL NUMBER	DESCRIPTION		2017-18 AMENDED BUDGET	YTD BALANCE 02/28/2018 NORM (ABNORM)	ACTIVITY FOR MONTH 02/28/18 INCR (DECR)	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDG USED
Fund 2065 - DRUG LAW ENFORCEMENT FUND								
Revenues								
Dept 0000								
2065-0000-666.0000	INTEREST INCOME		0.00	0.00	0.00	0.00	0.00	0.0(
2065-0000-669.0000	INVESTMENT GAINS AND LOSSES		0.00	0.00	0.00	0.00	0.00	0.0(
2065-0000-673.0000	SALE OF ASSETS	+13,095	0.00	13,095.00	0.00	0.00	(13,095.00)	100.0(
2065-0000-678.0001	DRUG FORFEITURE CLEARED		15,000.00	0.00	0.00	0.00	15,000.00	0.0(
2065-0000-699.0000	CONTINGENCY		0.00	0.00	0.00	0.00	0.00	0.0(
Total Dept 0000			15,000.00	13,095.00	0.00	0.00	1,905.00	87.3(
TOTAL REVENUES			15,000.00	13,095.00	0.00	0.00	1,905.00	87.3(
Expenditures								
Dept 0000								
2065-0000-955.0000	DRUG LAW ENFORCEMENT RELATED EXP	+13,095	15,000.00	4,103.81	0.00	10,896.19	0.00	100.0(
2065-0000-957.0000	CONTINGENCY		0.00	0.00	0.00	0.00	0.00	0.0(
Total Dept 0000			15,000.00	4,103.81	0.00	10,896.19	0.00	100.0(
TOTAL EXPENDITURES			15,000.00	4,103.81	0.00	10,896.19	0.00	100.0(
Fund 2065 - DRUG LAW ENFORCEMENT FUND:								
TOTAL REVENUES			15,000.00	13,095.00	0.00	0.00	1,905.00	87.3(
TOTAL EXPENDITURES			15,000.00	4,103.81	0.00	10,896.19	0.00	100.0(
NET OF REVENUES & EXPENDITURES			0.00	8,991.19	0.00	(10,896.19)	1,905.00	100.0(

Attachment: BA 3550 (3550 : Budget Amendment (Budget #))

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

ADOPTED

Meeting: 02/19/18 07:00 PM
Department: Controller's Office
Category: Budget
Prepared By: Karen Moffitt
Department Head: Karen Moffitt

AGENDA ITEM (ID # 3549)

DOC ID: 3549

Approve and authorize the following 2017-2018 budget amendment: Decrease 2007-2007-811.7813 OCDETF Expenditures by $5,000, 2007-2007-811.7814 Meth Grant Expenditures by $5,000 and 2007-2007-985.0000 Police Vehicles by $10,000; Increase 2007-2007-863.0000 Auto Repair-Police by $20,000.

ATTACHMENTS:

- BA 3549 (PDF)

INTEROFFICE MEMORANDUM

To: Mayor Paula Zelenko
From: Treasurer Karen Moffitt
Date: February 15, 2018

Re: Memo of Explanation for
City Council Meeting of 02/19/2018

Madam Mayor:

I am requesting that Council approve a budget amendment within the Police Budget as follows: Transfer $5,000 from 2007-2007-811.7813, $5,000 from 2007-2007-811.7814 and $10,000 from 2007-2007-985.0000 to 2007-2007-863.0000.

Auto repair expenditures are quickly approaching the $85,000 budget amount. We are averaging $9,200 per month which is higher than usual because of the mechanic vacancy and having to outsource auto repairs. As such I would recommend increasing the line by an additional $20,000.

GL NUMBER	DESCRIPTION		2017-18 AMENDED BUDGET	YTD BALANCE 02/28/2018 NORM (ABNORM)	ACTIVITY FOR MONTH 02/28/18 INCR (DECR)	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDG USED
Fund 2007 - POLICE FUND								
2007-2007-709.0000	OVERTIME		128,800.00	106,419.56	2,164.39	0.00	22,380.44	82.6
2007-2007-709.2007	OVERTIME - BACK TO THE BRICKS		12,200.00	12,161.40	0.00	0.00	38.60	99.6
2007-2007-717.0000	RETIREMENT - MERS ACTIVE		93,200.00	56,371.61	3,214.54	0.00	36,828.39	60.4
2007-2007-718.0000	RETIREMENT - MERS RETIREES		1,007,700.00	602,390.69	33,807.32	0.00	405,309.31	59.7
2007-2007-719.0000	FRINGE BENEFITS		1,351,300.00	567,503.67	36,450.50	0.00	783,796.33	42.0
2007-2007-720.0000	UNEMPLOYMENT EXPENDITURES - MESC CHARGE		0.00	(36.20)	0.00	0.00	36.20	100.0
2007-2007-727.0000	OFFICE SUPPLIES		6,000.00	2,860.73	0.00	1,187.14	1,952.13	67.4
2007-2007-728.0000	INFORMATION TECH ALLOCATION		48,800.00	48,800.00	0.00	0.00	0.00	100.0
2007-2007-728.0001	IT CONNECTIVITY CHARGES		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-731.0000	POSTAGE		1,000.00	245.39	0.00	0.00	754.61	24.5
2007-2007-741.0000	AMMUNITION & WEAPONS		20,000.00	6,491.29	0.00	480.00	13,028.71	34.8
2007-2007-744.0000	UNIFORMS		15,000.00	3,962.50	0.00	4,642.45	6,395.05	57.3
2007-2007-757.0000	OPERATING EXPENDITURES		12,000.00	6,236.63	0.00	3,827.10	1,936.27	83.8
2007-2007-808.0000	AUDIT & OTHER PROFESSIONAL SERVICES		3,200.00	3,200.00	0.00	0.00	0.00	100.0
2007-2007-811.7773	F.A.N.G. PROJECT OFFICERS		180,000.00	92,910.30	6,752.55	10,972.55	76,117.15	57.7
2007-2007-811.7774	CMH GRANT - OWI		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7776	SCHOOL RESOURCE PROGRAM CHARGES		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7777	POLICE GAIN UNIT OFFICER		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7792	HIDTA GRANT EXPENSE (FANG)		15,000.00	12,234.29	960.54	0.00	2,765.71	81.5
2007-2007-811.7797	D.H.E. GRANT EXPENSE (FANG)		2,000.00	0.00	0.00	0.00	2,000.00	0.0
2007-2007-811.7798	HEMP GRANT EXPENSE (FANG)		5,000.00	374.00	0.00	0.00	4,626.00	7.4
2007-2007-811.7800	F.A.C.T. GRANT EXPENSE		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7802	BRYNE JAG GRANT-RECORDS IMPROVEMENT		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7803	PT-08-38 OHSP SAFE COMMUNITIES GRANT		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7804	PROJECT SAFE NEIGHBORHOODS (FANG)		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7805	PT-08-38 OHSP ENFORCEMENT EQUIPMENT GRN		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7806	PT-09-25 OHSP SAFE COMMUNITIES GRANT		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7807	PT-09-25 OHSP OPERATING/EQUIPMENT GRANT		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7808	PT-10-20 OHSP SAFE COMMUNITIES GRANT		10,000.00	3,146.33	0.00	0.00	6,853.67	31.4
2007-2007-811.7809	WEED & SEED GRANT (FANG)		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7810	SOUTH SIDE GRANT (FANG)		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7811	ATF TASK FORCE EXPENSE (FANG)		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7812	GENESEE CTY POSSE		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-811.7813	OCDETF EXPENDITURES	-5000	5,000.00	0.00	0.00	0.00	5,000.00	0.0
2007-2007-811.7814	METH GRANT EXPENDITURES	-5,000	5,000.00	0.00	0.00	0.00	5,000.00	0.0
2007-2007-811.7815	OCDETF POINT BLANK GRANT		5,000.00	116.53	0.00	0.00	4,883.47	2.3
2007-2007-818.0000	CONTRACTUAL SERVICE		75,000.00	25,832.59	0.00	10,197.02	38,970.39	48.0
2007-2007-818.7170	NARCOTICS INVESTIGATION		26,600.00	26,516.26	0.00	0.00	83.74	99.6
2007-2007-826.0000	LEGAL		75,000.00	50,638.50	4,573.50	0.00	24,361.50	67.5
2007-2007-828.0000	MEMBERSHIP & DUES		1,500.00	360.00	0.00	500.00	640.00	57.3
2007-2007-863.0000	AUTO REPAIR	+20,000	85,000.00	64,498.65	53.73	12,983.47	7,517.88	91.1
2007-2007-864.0000	TRAINING & CERTIFICATIONS		3,000.00	3,000.00	0.00	0.00	0.00	100.0
2007-2007-867.0000	GAS & OIL		75,000.00	30,208.10	0.00	0.00	44,791.90	40.2
2007-2007-868.0000	AUTO WASH		3,500.00	3.00	0.00	597.00	2,900.00	17.1
2007-2007-910.0000	INSURANCE		75,000.00	67,407.51	0.00	0.00	7,592.49	89.8
2007-2007-920.0000	UTILITIES		33,000.00	22,104.97	0.00	2,857.96	8,037.07	75.6
2007-2007-921.0000	SEWER PAYMENTS		3,200.00	1,230.00	0.00	0.00	1,970.00	38.4
2007-2007-924.0000	CHANGE IN INVESTMENT VALUE (DECLINE)		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-931.0000	BUILDING REPAIR		15,000.00	7,631.49	215.38	3,522.23	3,846.28	74.3
2007-2007-934.0000	EQUIPMENT REPAIRS		1,500.00	590.04	0.00	0.00	909.96	39.3
2007-2007-943.0000	EQUIPMENT RENTAL		6,000.00	2,450.29	0.00	0.00	3,549.71	40.8
2007-2007-956.0000	MISCELLANEOUS		2,400.00	249.27	0.00	0.00	2,150.73	10.3
2007-2007-957.0000	CONTINGENCY (SURPLUS)		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-962.0000	TRAINING (OFFICER)		15,000.00	975.00	0.00	0.00	14,025.00	6.5
2007-2007-965.0000	SOR ANNUAL FEE- STATE OF MI PORTION		0.00	0.00	0.00	0.00	0.00	0.0
2007-2007-984.0000	OFFICE EQUIPMENT		2,000.00	178.34	0.00	0.00	1,821.66	8.92
2007-2007-985.0000	POLICE VEHICLES	-10,000	100,000.00	84,034.03	0.00	0.00	15,965.97	84.03

Attachment: BA 3549 (3549 : Budget Amendment (Budget #))

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 2007 POLICE FUND							
07/01/2017			**2007-2007-863.0000 AUTO REPAIR**		BEG. BALANCE		0.00
07/28/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2015 DODGE CHA	4287	200.22		200.22
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 15	4341	249.78		450.00
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - #7	4338	92.15		542.15
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 3	4336	437.94		980.09
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4334	121.14		1,101.23
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4316	1,328.20		2,429.43
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4303	58.36		2,487.79
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4297	66.93		2,554.72
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	7112017	64.56		2,619.28
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4295	161.48		2,780.76
08/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4292	171.68		2,952.44
08/01/2017	AP	INV	JERRY'S TIRE TIRES FOR POLICE FIRE AND DPW	40069578	1,315.30		4,267.74
08/11/2017	AP	INV	BLUMERICH COMMUNICATIONS SERVICE RADIO EQUIPMENT AND REPAIR FOR POLIC	18168	60.00		4,327.74
08/11/2017	AP	INV	BLUMERICH COMMUNICATIONS SERVICE RADIO EQUIPMENT AND REPAIR FOR POLIC	18140	60.00		4,387.74
08/28/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2006 CHEVROLET	4454	2,175.97		6,563.71
08/30/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4404	104.00		6,667.71
08/30/2017	AP	INV	HIGH OCTANE DESIGNS CAR DECALS	4373	165.00		6,832.71
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2012 CHRYSLER	4465	64.85		6,897.56
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2015 DODGE	4475	772.21		7,669.77
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2016 DODGE	4438	64.59		7,734.36
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2014 DODGE	4474	291.32		8,025.68
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2011 CHEVROLET	4467	77.16		8,102.84
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2007 PONTIAC	4468	106.44		8,209.28
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2015 DODGE	4403	58.99		8,268.27
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2016 DODGE	4477	73.98		8,342.25
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2012 DODGE	4406	262.43		8,604.68
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2012 DODGE	4359	444.49		9,049.17
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2015 DODGE	4484	160.00		9,209.17
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2014 DODGE	4485	713.31		9,922.48
09/07/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE- 2013 CHRYSLER	4373	45.12		9,967.60
09/12/2017	AP	INV	MICHIGAN DEPARTMENT OF STATE DB / ADMIN LICENSE PLATE RENEWAL	RENEWAL	104.00		10,071.60
09/26/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2010 CHEV.	4504	5,281.92		15,353.52
09/26/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2014 FORD INTE	4510	1,207.89		16,561.41
09/26/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2017 FORD	4528	74.70		16,636.11
09/26/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2015 DODGE CHA	4536	73.84		16,709.95
09/29/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2014 DODGE CHA	4568	1,507.02		18,216.97
10/12/2017	AP	INV	AL SERRA VEHICLE REPAIR - 2015 CHARGER	602029/1	487.99		18,704.96
10/19/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2007 PONTIAC G	4600	99.58		18,804.54
10/19/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2014 DODGE CHA	4612	51.00		18,855.54
10/19/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2017 FORD INTE	4650	65.27		18,920.81
10/19/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2016 DODGE CHA	4659	139.26		19,060.07
10/19/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2006 CHEVROLET	4611	699.79		19,759.86
10/19/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2012 DODGE CHA	4603	1,315.95		21,075.81
10/23/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2011 CHEVY CRU	4681	248.15		21,323.96
10/23/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2013 DODGE CHA	4724	150.28		21,474.24
10/23/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2014 FORD POLI	4695	172.53		21,646.77
10/23/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 10062017	4698	156.82		21,803.59
10/23/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2016 DODGE CHA	4693	1,348.99		23,152.58

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
			2007-2007-863.0000 AUTO REPAIR		(Continued)		
11/06/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4651	1,580.44		24,733.02
11/06/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2016 DODGE CHA	4764	340.00		25,073.02
11/06/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4762	87.22		25,160.24
11/06/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2016 DODGE CHA	4765	150.90		25,311.14
11/06/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE 2014 DODGE CHARG	4739	337.34		25,648.48
11/06/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE - 2007 CHRYSLER	4748	672.82		26,321.30
11/18/2017	AP	INV	BRISTOL COLLISION SERVICE REPAIRS TO 2014 DODGE CHARGER - INS.	5867	3,280.85		29,602.15
11/18/2017	AP	INV	BRISTOL COLLISION SERVICE REPAIRS TO 2014 DODGE CHARGER - INS.	5841	8,488.30		38,090.45
11/20/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4843	303.35		38,393.80
11/20/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4817	265.85		38,659.65
11/20/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4797	442.98		39,102.63
11/20/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4801	200.00		39,302.63
11/21/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4873	58.55		39,361.18
11/21/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4862	99.97		39,461.15
11/21/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4855	40.00		39,501.15
11/21/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4846	153.00		39,654.15
11/21/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4844	376.21		40,030.36
11/21/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4831	253.08		40,283.44
11/21/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4788	473.71		40,757.15
12/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE-TIRES	4582	600.00		41,357.15
12/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE-4 TIRES K-9	4583	880.00		42,237.15
12/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4564	1,631.70		43,868.85
12/01/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE-TIRE	4574	193.00		44,061.85
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4891	8,860.14		52,921.99
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4919	700.00		53,621.99
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4938	700.00		54,321.99
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4937	240.00		54,561.99
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4875	1,055.37		55,617.36
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4886	318.38		55,935.74
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4868	618.93		56,554.67
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4889	134.99		56,689.66
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4894	154.97		56,844.63
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4922	85.42		56,930.05
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4923	372.21		57,302.26
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4658	885.15		58,187.41
12/05/2017	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4573	1,694.64		59,882.05
01/17/2018	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4972	1,876.99		61,759.04
01/17/2018	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4940	470.68		62,229.72
01/17/2018	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4858	113.44		62,343.16
01/17/2018	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4956	191.10		62,534.26
01/17/2018	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	4998	827.55		63,361.81
01/17/2018	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	5027	200.45		63,562.26
01/17/2018	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	5037	119.05		63,681.31
01/17/2018	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	5028	73.11		63,754.42
01/17/2018	AP	INV	AMERICAN AUTO WORKS VEHICLE MAINTENANCE	5003	263.54		64,017.96
01/17/2018	AP	INV	BROWN & SONS AUTO PARTS AND SUPPLIES	28184	13.80		64,031.76
01/17/2018	AP	INV	BROWN & SONS AUTO PARTS AND SUPPLIES	28731	13.55		64,045.31
01/17/2018	AP	INV	BROWN & SONS AUTO PARTS AND SUPPLIES	28942	6.99		64,052.30
01/17/2018	AP	INV	BROWN & SONS AUTO PARTS AND SUPPLIES	29233	36.77		64,089.07

Attachment: BA 3549 (3549 : Budget Amendment (Budget #))

02/15/2018 11:42 AM
User: moffittk
DB: Burton

GL ACTIVITY REPORT FOR CITY OF BURTON
FROM 2007-2007-863.0000 TO 2007-2007-863.0000
TRANSACTIONS FROM 07/01/2017 TO 06/30/2018

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
			2007-2007-863.0000 AUTO REPAIR	(Continued)			
01/17/2018	AP	INV	BROWN & SONS AUTO PARTS AND SUPPLIES	29478	7.60		64,096.67
01/17/2018	AP	INV	BROWN & SONS AUTO PARTS AND SUPPLIES	29702	5.13		64,101.80
01/17/2018	AP	INV	BROWN & SONS AUTO PARTS AND SUPPLIES	29704	19.85		64,121.65
01/26/2018	AP	INV	JERRY'S TIRE TIRES FOR POLICE FIRE AND DPW	40074351	265.33		64,386.98
01/26/2018	AP	INV	JERRY'S TIRE TIRES FOR POLICE FIRE AND DPW	40074397	57.94		64,444.92
02/01/2018	AP	INV	APPLEGATE AUTO PARTS AND REPAIR	394224CVW	53.73		64,498.65
06/30/2018			2007-2007-863.0000	END BALANCE	64,498.65	0.00	64,498.65
GRAND TOTALS:					64,498.65		64,498.65

AGENDA ITEM (ID # 3548)

DOC ID: 3548

Approve and authorize the following 2017-2018 budget amendment: Decrease 2002-4078-706.0000 Salaries Permanent-Winter Maintenance by $4,000 and 2003-4078-705.0000 Supervision Salaries-Winter Maintenance by $1,000; Increase 2002-4078-709.0000 Overtime-Winter Maintenance by $4,000 and 2003-4078-709.0000 Overtime-Winter Maintenance by $1,000.

ATTACHMENTS:

- BA 3548 (PDF)

INTEROFFICE MEMORANDUM

To: Mayor Paula Zelenko
From: Treasurer Karen Moffitt
Date: February 15, 2018

Re: Memo of Explanation for
City Council Meeting of 02/19/2018

Madam Mayor:

I am requesting that Council approve a budget amendment within the Major Streets Budget as follows: Transfer $4,000 from 2002-4078-706.0000 to 2002-4078-709.0000; and the Local Streets Budget as follows: Transfer $1,000 from 2003-4078-705.0000 to 2003-4078-709.000.

These winter maintenance overtime accounts are currently over budget by $1,901 and $427, respectively, because of the increased snowfall this year. As such I would recommend increasing the line items by an additional $4,000 and $1,000, respectively, to cover this shortfall and any projected additional charges this season.

GL NUMBER	DESCRIPTION		2017-18 AMENDED BUDGET	YTD BALANCE 02/28/2018 NORM (ABNORM)	ACTIVITY FOR MONTH 02/28/18 INCR (DECR)	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDG USED
Fund 2002 - MAJOR STREETS								
Dept 4077 - PAVEMENT MARK								
2002-4077-818.0000	CONTRACTUAL SERVICES		80,000.00	0.00	0.00	0.00	80,000.00	0.0
Net - Dept 4077 - PAVEMENT MARK			(80,000.00)	0.00	0.00	0.00	(80,000.00)	
Dept 4078 - WINTER MAINTENANCE								
2002-4078-705.0000	SUPERVISION SALARIES		7,000.00	3,024.00	297.12	0.00	3,976.00	43.2
2002-4078-706.0000	SALARIES PERMANENT	−4,000	24,900.00	9,506.41	1,298.18	0.00	15,393.59	38.1
2002-4078-709.0000	OVERTIME	+4,000	10,500.00	12,400.55	1,599.70	0.00	(1,900.55)	118.1
2002-4078-717.0000	RETIREMENT - MERS ACTIVE		1,800.00	461.08	46.29	0.00	1,338.92	25.6
2002-4078-718.0000	RETIREMENT - MERS RETIREES		10,900.00	3,523.72	358.11	0.00	7,376.28	32.3
2002-4078-719.0000	FRINGE BENEFITS		15,400.00	2,437.23	278.80	0.00	12,962.77	15.8
2002-4078-757.0000	OPERATING EXPENDITURES - SALT		110,000.00	889.95	0.00	0.00	109,110.05	0.8
2002-4078-818.0000	CONTRACTUAL SERVICES		0.00	0.00	0.00	0.00	0.00	0.0
2002-4078-943.0000	EQUIPMENT RENTAL		78,000.00	343.42	0.00	0.00	77,656.58	0.4
2002-4078-957.0000	CONTINGENCY/SURPLUS		0.00	0.00	0.00	0.00	0.00	0.0
Net - Dept 4078 - WINTER MAINTENANCE			(258,500.00)	(32,586.36)	(3,878.20)	0.00	(225,913.64)	
Dept 4081 - ROADSIDE CLEANUP								
2002-4081-705.0000	SUPERVISION SALARIES		2,500.00	447.55	0.00	0.00	2,052.45	17.9
2002-4081-706.0000	SALARIES PERMANENT		8,300.00	3,807.99	0.00	0.00	4,492.01	45.8
2002-4081-709.0000	OVERTIME		700.00	522.50	126.00	0.00	177.50	74.6
2002-4081-717.0000	RETIREMENT - MERS ACTIVE		400.00	126.94	0.00	0.00	273.06	31.7
2002-4081-718.0000	RETIREMENT - MERS RETIREES		2,500.00	682.44	0.00	0.00	1,817.56	27.3
2002-4081-719.0000	FRINGE BENEFITS		6,500.00	1,216.76	9.64	0.00	5,283.24	18.7
2002-4081-757.0000	OPERATING EXPENDITURES		2,000.00	300.00	0.00	0.00	1,700.00	15.0
2002-4081-943.0000	EQUIPMENT RENTAL		14,400.00	4,269.33	0.00	0.00	10,130.67	29.6
Net - Dept 4081 - ROADSIDE CLEANUP			(37,300.00)	(11,373.51)	(135.64)	0.00	(25,926.49)	
Dept 4082 - ADMINISTRATION								
2002-4082-703.0000	ADMINISTRATION SALARIES		17,100.00	18,771.96	1,134.42	0.00	(1,671.96)	109.7
2002-4082-705.0000	SUPERVISION SALARIES		1,000.00	2,223.41	383.45	0.00	(1,223.41)	222.3
2002-4082-706.0000	SALARIES PERMANENT		6,900.00	4,110.31	265.17	0.00	2,789.69	59.5
2002-4082-709.0000	OVERTIME		0.00	4.98	0.00	0.00	(4.98)	100.0
2002-4082-717.0000	RETIREMENT - MERS ACTIVE		2,900.00	2,478.53	237.53	0.00	421.47	85.4
2002-4082-718.0000	RETIREMENT - MERS RETIREES		11,200.00	7,576.49	814.79	0.00	3,623.51	67.6
2002-4082-719.0000	FRINGE BENEFITS		12,100.00	10,981.36	2,261.89	0.00	1,118.64	90.7
2002-4082-720.0000	UNEMPLOYMENT EXPENDITURES - MESC CHARGE		0.00	0.00	0.00	0.00	0.00	0.0
2002-4082-728.0000	INFORMATION TECH ALLOCATION		2,100.00	2,100.00	0.00	0.00	0.00	100.0
2002-4082-757.0000	OPERATING EXPENDITURES		10,000.00	1,514.04	0.00	840.50	7,645.46	23.5
2002-4082-808.0000	AUDIT & OTHER PROFESSIONAL SERVICES		4,000.00	4,000.00	0.00	0.00	0.00	100.0
2002-4082-818.0000	CONTRACTUAL SERVICE		3,000.00	1,745.50	0.00	0.00	1,254.50	58.1
2002-4082-826.0000	LEGAL		1,000.00	62.50	0.00	0.00	937.50	6.2
2002-4082-828.0000	MEMBERSHIP & DUES		500.00	248.82	0.00	0.00	251.18	49.7
2002-4082-864.0000	TRAINING		2,000.00	103.00	0.00	25.00	1,872.00	6.4
2002-4082-924.0000	CHANGE IN INVESTMENT VALUE (DECLINE)		0.00	0.00	0.00	0.00	0.00	0.0
2002-4082-943.0000	EQUIPMENT RENTAL		0.00	0.00	0.00	0.00	0.00	0.0
2002-4082-956.7587	INTEREST EXP LAPEER RD LOAN		40,000.00	0.00	0.00	0.00	40,000.00	0.0
2002-4082-956.7802	INTEREST EXP CENTER RD LOAN		20,800.00	0.00	0.00	0.00	20,800.00	0.0
Net - Dept 4082 - ADMINISTRATION			(134,600.00)	(55,920.90)	(5,097.25)	(865.50)	(77,813.60)	

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GL ACTIVITY REPORT FOR CITY OF BURTON
FROM 2002-4078-709.0000 TO 2002-4078-709.0000
TRANSACTIONS FROM 07/01/2017 TO 02/14/2018

Page: 1/1

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 2002 MAJOR STREETS							
07/01/2017			**2002-4078-709.0000 OVERTIME**		BEG. BALANCE		0.00
12/14/2017	PR	CHK	SUMMARY PR 12/14/2017		475.63		475.63
12/28/2017	PR	CHK	SUMMARY PR 12/28/2017		2,315.94		2,791.57
01/11/2018	PR	CHK	SUMMARY PR 01/11/2018		5,212.27		8,003.84
01/18/2018	PR	CHK	SUMMARY PR 01/18/2018		714.00		8,717.84
01/25/2018	PR	CHK	SUMMARY PR 01/25/2018		2,083.01		10,800.85
02/08/2018	PR	CHK	SUMMARY PR 02/08/2018		1,599.70		12,400.55
02/14/2018			2002-4078-709.0000	END BALANCE	12,400.55	0.00	12,400.55
GRAND TOTALS:					12,400.55		12,400.55

REVENUE AND EXPENDITURE REPORT FOR CITY OF BURTON

PERIOD ENDING 02/28/2018

GL NUMBER	DESCRIPTION		2017-18 AMENDED BUDGET	YTD BALANCE 02/28/2018 NORM (ABNORM)	ACTIVITY FOR MONTH 02/28/18 INCR (DECR)	ENCUMBERED YEAR-TO-DATE	UNENCUMBERED BALANCE	% BDG USED
Fund 2003 - LOCAL STREETS								
Expenditures								
Dept 4068 - TREES & SHRUBS								
2003-4068-705.0000	SUPERVISION SALARIES		1,000.00	950.65	0.00	0.00	49.35	95.0
2003-4068-706.0000	SALARIES PERMANENT		4,900.00	1,834.73	0.00	0.00	3,065.27	37.4
2003-4068-709.0000	OVERTIME		300.00	0.00	0.00	0.00	300.00	0.0
2003-4068-717.0000	RETIREMENT - MERS ACTIVE		400.00	168.74	0.00	0.00	231.26	42.1
2003-4068-718.0000	RETIREMENT - MERS RETIREES		2,100.00	1,124.32	0.00	0.00	975.68	53.5
2003-4068-719.0000	FRINGE BENEFITS		4,100.00	753.94	0.00	0.00	3,346.06	18.3
2003-4068-757.0000	OPERATING EXPENDITURES		1,500.00	0.00	0.00	1,239.95	260.05	82.6
2003-4068-818.0000	CONTRACTUAL SERVICE		3,000.00	0.00	0.00	0.00	3,000.00	0.0
2003-4068-943.0000	EQUIPMENT RENTAL		7,000.00	348.23	0.00	0.00	6,651.77	4.9
Total Dept 4068 - TREES & SHRUBS			24,300.00	5,180.61	0.00	1,239.95	17,879.44	26.4
Dept 4069 - DRAINAGE								
2003-4069-705.0000	SUPERVISION SALARIES		8,800.00	7,163.95	211.94	0.00	1,636.05	81.4
2003-4069-706.0000	SALARIES PERMANENT		28,000.00	10,328.64	242.48	0.00	17,671.36	36.8
2003-4069-709.0000	OVERTIME		1,000.00	205.00	23.77	0.00	795.00	20.5
2003-4069-717.0000	RETIREMENT - MERS ACTIVE		2,100.00	1,345.39	29.05	0.00	754.61	64.0
2003-4069-718.0000	RETIREMENT - MERS RETIREES		12,500.00	8,627.58	233.85	0.00	3,872.42	69.0
2003-4069-719.0000	FRINGE BENEFITS		37,200.00	5,674.19	49.33	0.00	31,525.81	15.2
2003-4069-757.0000	OPERATING EXPENDITURES		7,000.00	4,547.45	0.00	3,274.54	(821.99)	111.7
2003-4069-818.0000	CONTRACTUAL SERVICE		45,000.00	9,948.48	0.00	0.00	35,051.52	22.1
2003-4069-943.0000	EQUIPMENT RENTAL		55,000.00	12,622.18	0.00	168.00	42,209.82	23.2
Total Dept 4069 - DRAINAGE			196,600.00	60,462.86	790.42	3,442.54	132,694.60	32.5
Dept 4074 - TRAFFIC SIGNS								
2003-4074-705.0000	SUPERVISION SALARIES		5,100.00	1,988.60	272.36	0.00	3,111.40	38.9
2003-4074-706.0000	SALARIES PERMANENT		6,400.00	1,393.23	440.41	0.00	5,006.77	21.7
2003-4074-709.0000	OVERTIME		300.00	25.91	0.00	0.00	274.09	8.6
2003-4074-717.0000	RETIREMENT - MERS ACTIVE		700.00	309.60	38.47	0.00	390.40	44.2
2003-4074-718.0000	RETIREMENT - MERS RETIREES		3,900.00	2,241.23	306.68	0.00	1,658.77	57.4
2003-4074-719.0000	FRINGE BENEFITS		8,200.00	804.78	74.96	0.00	7,395.22	9.8
2003-4074-757.0000	OPERATING EXPENDITURES		1,000.00	152.85	0.00	0.00	847.15	15.2
2003-4074-757.2030	SIGNAGE & GRAVEL FOR CDBG PROJECTS		0.00	0.00	0.00	0.00	0.00	0.0
2003-4074-757.7100	MATERIAL-SIGNS		5,000.00	433.30	0.00	1,000.00	3,566.70	28.6
2003-4074-943.0000	EQUIPMENT RENTAL		5,000.00	784.73	0.00	0.00	4,215.27	15.6
Total Dept 4074 - TRAFFIC SIGNS			35,600.00	8,134.23	1,132.88	1,000.00	26,465.77	25.6
Dept 4078 - WINTER MAINTENANCE								
2003-4078-705.0000	SUPERVISION SALARIES	-1,000	8,100.00	3,191.91	99.04	0.00	4,908.09	39.4
2003-4078-706.0000	SALARIES PERMANENT		16,800.00	9,374.77	1,866.78	0.00	7,425.23	55.8
2003-4078-709.0000	OVERTIME	+1,000	4,400.00	4,827.35	111.05	0.00	(427.35)	109.7
2003-4078-717.0000	RETIREMENT - MERS ACTIVE		1,500.00	492.89	29.01	0.00	1,007.11	32.8
2003-4078-718.0000	RETIREMENT - MERS RETIREES		9,000.00	3,840.81	193.09	0.00	5,159.19	42.6
2003-4078-719.0000	FRINGE BENEFITS		15,500.00	1,680.43	215.56	0.00	13,819.57	10.8
2003-4078-757.0000	OPERATING EXPENDITURES - SALT		40,000.00	0.00	0.00	0.00	40,000.00	0.0
2003-4078-818.0000	CONTRACTUAL SERVICES		0.00	0.00	0.00	0.00	0.00	0.0
2003-4078-943.0000	EQUIPMENT RENTAL		58,000.00	46.09	0.00	0.00	57,953.91	0.0
2003-4078-957.0000	CONTINGENCY/SURPLUS		0.00	0.00	0.00	0.00	0.00	0.0

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GL ACTIVITY REPORT FOR CITY OF BURTON
FROM 2003-4078-709.0000 TO 2003-4078-709.0000
TRANSACTIONS FROM 07/01/2017 TO 06/30/2018

Page: 1/1

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 2003 LOCAL STREETS							
07/01/2017			**2003-4078-709.0000 OVERTIME**		BEG. BALANCE		0.00
12/14/2017	PR	CHK	SUMMARY PR 12/14/2017		332.93		332.93
12/28/2017	PR	CHK	SUMMARY PR 12/28/2017		634.75		967.68
01/11/2018	PR	CHK	SUMMARY PR 01/11/2018		1,973.22		2,940.90
01/25/2018	PR	CHK	SUMMARY PR 01/25/2018		1,775.40		4,716.30
02/08/2018	PR	CHK	SUMMARY PR 02/08/2018		111.05		4,827.35
06/30/2018			2003-4078-709.0000	END BALANCE	4,827.35	0.00	4,827.35
GRAND TOTALS:					4,827.35		4,827.35

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

SCHEDULED

ORDINANCE (ID # 3552)

Meeting: 02/19/18 07:00 PM
Department: Clerk's Office
Category: Ordinance
Prepared By: Bette Bigsby
Department Head: Bette Bigsby

DOC ID: 3552

Consumers Energy Company Gas and/or Electric Franchise Ordinance.

An ORDINANCE, granting CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CITY OF BURTON, GENESEE COUNTY, Michigan, for a period of thirty years.

ATTACHMENTS:

- 20180215131151445con (PDF)

ORDINANCE NO. __________

CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CITY OF BURTON, GENESEE COUNTY, MICHIGAN, for a period of thirty years.

THE CITY OF BURTON ORDAINS:

SECTION 1. GRANT, TERM. The CITY OF BURTON, GENESEE COUNTY, MICHIGAN, hereby grants to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers, and other electrical appliances on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CITY OF BURTON, GENESEE COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No street, alley, bridge, highway, waterways, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the City on account of the permission herein granted, said Grantee shall, upon notice, defend the City and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted are not exclusive. The right to do a gas business and the right to do an electric business hereunder are several, and such rights may be separately exercised, owned and transferred. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. EXTENSIONS. Said Grantee shall from time to time extend its gas and electric systems to and within said City, and shall furnish gas or electricity to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 7. RATES. The Grantee shall be entitled to charge the inhabitants of said City for gas and/or electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas and electric rates and rules regulating such service in said City, are hereby granted. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said City acting by its City Council, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this Ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service, both gas and electric, not herein fixed, be and remain subject to reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or electric service in said City.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas and/or electric ordinance adopted by the City Council on January 4, 1988 entitled:

> AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the CITY OF BURTON, GENESEE COUNTY, MICHIGAN for a period of thirty years.

and amendments, if any, to such ordinance whereby a gas and/or electric franchise was granted to Consumers Energy Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof but no sooner than fifteen (15) days after enactment, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the City Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said City and said Grantee.

We certify that the foregoing ordinance was duly enacted by the City Council of CITY OF BURTON, GENESEE COUNTY, MICHIGAN, on the _____ day of _______________, 2018.

____

Paula Zelenko, City Mayor

Attest:

____

Sue Warren, Acting City Clerk