



CITY OF BURTON
BURTON CITY COUNCIL MEETING
JANUARY 6, 2022
AGENDA

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

A. INVOCATION LED BY: VAUGHN SMITH

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

C. ROLL CALL

D. APPROVAL OF AGENDA

E. STAFF PRESENT

F. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Dec 20, 2021 7:00 PM

G. ADMINISTRATIVE REPORTS

H. COMMITTEE REPORTS

I. AUDIENCE PARTICIPATION

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

J. COUNCIL DISCUSSION

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 12/9/21 to 12/31/21 in the amount of \$4,979.00.
2. Approve and authorize Resolution 2022-__ to tentatively commit to provide the required 20% local match for City of Burton projects in the 2023-2026 Transportation Improvement Program (TIP) in the years in which they are programmed, which is to be determined.

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



CITY OF BURTON
BURTON CITY COUNCIL MEETING
DECEMBER 20, 2021
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

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

A. INVOCATION LED BY: TINA CONLEY

B. THE PLEDGE OF ALLEGIANCE IS LED BY: TINA CONLEY

C. ROLL CALL

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

D. APPROVAL OF AGENDA

1. Motion to Approve the Agenda as Presented.

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

E. STAFF PRESENT

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

F. APPROVAL OF MINUTES

1. City Council - Workshop - Dec 6, 2021 5:30 PM

Minutes Acceptance: Minutes of Dec 20, 2021 7:00 PM (APPROVAL OF MINUTES)

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

2. City Council - Special Meeting - Dec 6, 2021 6:30 PM

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

3. City Council - Regular Meeting - Dec 6, 2021 7:00 PM

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

G. ADMINISTRATIVE REPORTS

Mayor Haskins gave the following report:

- Merry Christmas and Happy New Year to everyone.
- City offices are closed December 23rd through January 3rd for the holiday.
- The 2nd annual 'Twas the Lights Before Christmas Contest winners are: Traditional Christmas Category- The Kilbreath Household on Statler Drive, Light up the Town Category- The Spence Household on Morris Avenue, Rockin' Around the Christmas Tree Category- The Taylor Household on Wells Street, Deck the Home Category- The Venus Household on Deer Park Pass, The Grand Prize Winner of the Clark W. Griswold Award- The Hemingway Household on Heritage Lane. Congratulations to the winners. Thank you to those who participated, the seniors for judging and to Parks & Rec Director, Amy Clous for all your hard work.
- Our new above ground storage tanks have arrived and will be installed soon.
- A recount of the November 2nd Election took place last week. The results reconfirmed the exact results reported on election night as certified by the county. Thank you to the local Clerk's who volunteered and to our Clerk and staff for their diligence and integrity. There will be a cost to us for this recount. We do not know the amount at this time. We will come to City Council at a later date for a transfer because we did not budget for this recount.

Ms. Boggs stated a recount is a long and tedious process. 2,691 ballots were hand counted six times, once for each candidate/write-in. The process took about 12 hours to complete. Thank you to Councilwoman Hickson for participating in the process. Thank you to my fellow Clerks, Teri Webber and Becky Lefler from Richfield Township, Tom Broeker from Fenton Township, Wayne Bates and Kim Gonyea from Genesee Township and Kameron Hoadley from Mundy Township for participating. I would also like to thank The Genesee County Clerk's Office staff and Board of Canvassers. This was an invaluable learning experience for

us. Lastly, I need to thank my staff, Lindsey Bice and Katie Malin for your passion for protecting and administering our democracy. I couldn't have done it without them. The results of the recount reaffirms our trust in our election equipment, laws, processes and the integrity of our election results.

Mr. Martinbianco stated thank you to the Clerk for your diligence and for sharing the best of all outcomes to any election. Which takes precedence, state law or our City Charter regarding the deadlines for a recount?

Ms. Boggs stated I believe state law takes precedence over the City Charter.

Mr. Martinbianco stated here is another case where state law over cedes Home Rule City Law and that should not happen.

Attorney Doyle stated the Home Rule City Act doesn't conflict with the city charter. Our charter doesn't mirror the Home Rule City Act. The Home Rule City Act is another state statute. When there is a conflict, state law will always trump our charter.

Discussion continued regarding state law and City Charter conflicts.

Mr. Smith asked, what would have happened if there was a change in the votes?

Mayor Haskins stated if the recount would have changed the outcome of the election then there would be another swearing in of a council member. The election was certified by the Board of Canvassers therefore, the original council person was the acting member that was sworn in. If the recount showed different, you would start from there.

H. COMMITTEE REPORTS

Mr. Fenner gave an update on the 911 Consortium. 911 will be honoring the service agreements and adjusting their software to accommodate the municipality's that have signed on. There are still some questions we need answered regarding mutual aid. I would recommend seeing how it works out with other municipalities before we decide. Also, the DDA announced their Holiday decorating contest results. RFJ took 1st place, BJ's Beads took 2nd place and Fenner's Flower Shop originally took 3rd place however, we declined and Masterpiece Monogramming received 3rd place instead.

Mrs. Conley thanked Tim Look for his work at the library. Mr. Abbey, do you have an update on the windows and columns at the library?

Mr. Abbey stated the windows have been ordered and should be here anytime. Because of the funding and changes to some of the windows, we were able to order some extra windows that were not part of the project for the front of building as well. We are still looking at options to redo the columns.

Mr. Heffner would like the Public Access Committee to work with the administration to include the council in the 50th Anniversary Celebration. The council would like to be a part of it. I have asked the Clerk to find some information on the history of the council. We don't want to change anything. We would like to supplement it.

Mr. Hull stated the 50th is a huge milestone. To build natural anticipation for it, I think we should have something on our agenda for the event every month.

I. AUDIENCE PARTICIPATION

Minutes Acceptance: Minutes of Dec 20, 2021 7:00 PM (APPROVAL OF MINUTES)

Mary Hood of Flint spoke regarding obtaining the support of the City Council as a candidate for Circuit Court Judge at the August 2, 2022 Election.

Mona Ballge of Burton offered to help with the 50th Anniversary event and spoke regarding the history of Burton and the book she is writing entitled Mona's Journey.

J. COUNCIL DISCUSSION

Mr. Martinbianco expressed concerns regarding the engineering projects in the amount of \$400,000 on the agenda tonight. Some of these are TIP projects. Why didn't we get a master resolution on why we are doing this tonight?

Mr. Abbey stated we do these things out of necessity not out of choice. They are all funded through the TIP program. We do them in stages. The feds have changed their process. They require two different companies now for PE and CE. We have our matching funds available because the council has worked with us and we split the work up between several different companies.

Discussion continued regarding engineering projects, other funding and additional road projects throughout the city.

Mr. Smith asked for input from the council regarding allowing the 50/50 match for dirt roads as well as paved roads.

Mr. Heffner stated when I originally brought this up, I intended it to be for the repaving of paved roads. The more I think about it, I think we should allow it for dirt roads as well. The people who live on dirt roads are tax payers too and this is their tax dollars. I don't think it would be right to deny them the opportunity.

Mr. Abbey stated we were under the impression that this was the intent. It costs a lot to maintain the gravel roads. We will get more bang for our buck by repaving them. One of our road graders is over 20 years old. This will really help the long term costs to the city and it is the right thing to do for our residents.

Discussion continued on road graders and associated costs.

Mrs. Hickson asked, will you encourage the people who live on dirt roads to put out the petitions?

Mr. Abbey stated when people call complaining about their roads we give them all their options and this 50/50 match program will now be one of the options they have.

Discussion continued regarding the details of the 50/50 match program.

K. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Doyle) 12/1/21 to 12/14/21 in the amount of \$5,631.00.

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

2. Approve and authorize the payment of Attorney Billing (Masud) 11/1/2021 to 11/30/2021 in the amount of \$1,596.00.

Mr. Martinbianco stated he would like to meet with Attorney Leadford at the next City Council Meeting.

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

3. Approve and authorize the 2022 City Council & Board of Review Meeting Calendar.

Mr. Hull asked if 7:00PM is the best time for everyone for council meetings.

Mr. Heffner stated 7:00PM is what it is.

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

4. Approve and authorize the request for a Residential Sanitary Water & Sewer Installer's License for Bush Contracting, Inc., 5329 Shoemaker Road, Almont, MI 48003.

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

5. APPROVE and AUTHORIZE the City Clerk to Set First Public Hearing for Thursday January 20, 2022 at 6:30 p.m. at City Hall, or any later date of City Council choice; (a minimum of fourteen (14) days is required between this Council meeting and the proposed public hearing date), and instruct the Clerk's Office, to publish and mail notices to hear and consider any favorable comments and/or objections which may be submitted by any interested person with respect to the making of the improvements and to the assessing of the cost of the improvements to the lands in the aforesaid special assessment district Montcalm and Day St. Project #21-018-P.

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

6. Approve and Authorize the Mayor and City Clerk to execute a contract with Orchard, Hiltz & McCliment, In. (OHM), 34000 Plymouth Rd. Livonia, MI 48150, for Professional Engineering of Genesee Road from Court to Davison Road (DPW Project No. 21-023-P), at an estimated cost of \$82,069.43, contingent upon approval of the City Attorney.

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

Approve and Authorize a Consent Agenda for items 7-11

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

7. Approve and Authorize the Mayor and City Clerk to execute a contract with Fleis and VandenBrink Engineering, 9475 Holly Rd. Grand Blanc 48439, for Professional Engineering of Belsay Rd., Lapeer to I-69 (DPW Project No. 21-021-P), at an estimated cost of \$59,900, contingent upon approval of the City Attorney.

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

8. Approve and Authorize the Mayor and City Clerk to execute a contract with ROWE Professional Services Company, 540 S. Saginaw St. Ste 200 Flint, MI 48502, for Construction Engineering of Belsay Road, Davison to Potter (DPW Project No. 20-012-P), at an estimated cost of \$54,805.00, contingent upon approval of the City Attorney.

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

9. Approve and Authorize the Mayor and City Clerk to execute a contract with ROWE Professional Services Company, 540 S. Saginaw St. Ste 200 Flint, MI 48502, for Construction Engineering of Maple Road, Sandalwood to Saginaw (DPW Project No. 20-011-P), at an estimated cost of \$51,085, contingent upon approval of the City Attorney.

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

10. Approve and Authorize the Mayor and City Clerk to execute a contract with ROWE Professional Services Company, 540 S. Saginaw St. Ste 200 Flint, MI 48502, for Construction Engineering of Maple Road, Fenton to Sandalwood (DPW Project No. 20-011-P), at an estimated cost of \$90,630.00, contingent upon approval of the City Attorney.

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

11. Approve and authorize the following 2021-2022 budget amendment: Increase 2002-4051-802.7615 Belsay Road (Lapeer to I-69) by \$59,900; Decrease Major Street Fund Balance by \$59,900.

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

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

Meeting was adjourned at 8:16 PM.

Minutes Acceptance: Minutes of Dec 20, 2021 7:00 PM (APPROVAL OF MINUTES)



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

Meeting: 01/06/22 07:00 PM
Department: Clerk's Office
Category: Attorney Billing
Prepared By: Racheal Boggs
Department Head: Racheal Boggs

K.1

SCHEDULED

AGENDA ITEM (ID # 5274)

DOC ID: 5274

**Approve and authorize the payment of Attorney Billing
(Doyle) 12/9/21 to 12/31/21 in the amount of \$4,979.00.**



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

Meeting: 01/06/22 07:00 PM
Department: Department of Public Works
Category: Resolution
Prepared By: Amber Abbey
Department Head: Charles Abbey

K.2

SCHEDULED

AGENDA ITEM (ID # 5273)

DOC ID: 5273

Approve and authorize Resolution 2022-__ to tentatively commit to provide the required 20% local match for City of Burton projects in the 2023-2026 Transportation Improvement Program (TIP) in the years in which they are programmed, which is to be determined.

ATTACHMENTS:

- Resolution of support for applications (PDF)

**RESOLUTION 2022-
CITY OF BURTON
GENESEE COUNTY, MICHIGAN**

_____ moved and _____ seconded the following:

A RESOLUTION OF TENTATIVE COMMITMENT OF LOCAL MATCH FOR ROAD PROJECTS APPLIED FOR IN THE 2023-2026 TIP

WHEREAS, the City of Burton has submitted several road improvement projects for consideration of 80% federal funding in the 2023-2026 Transportation Improvement Program (TIP); and

WHEREAS, the projects listed below have not yet received tentative approval for inclusion in said TIP however the commitment to the match secures a vested interest by the City and increases the probability that the project will score higher when rated, once the projects received tentative approval from the Genesee County Metropolitan Planning Commission an additional approval will be required for said projects, and

WHEREAS, the City of Burton desires to obtain the federal funding to accomplish these projects;

NOW THEREFORE BE IT RESOLVED, that the City of Burton does hereby commit to provide the required 20% local match, for the approved road projects totaling approximately \$3,757,610.00, for the following projects in the 2023-2026 Transportation Improvement Program (TIP) in the years in which they are programmed, which is yet to be determined.

<u>STP Project</u>	<u>From</u>	<u>To</u>	<u>Treatment</u>	<u>Federal Aid</u>	<u>Burton</u>
<u>Roadway Preservation/Reconstruction</u>					
Court Street	Center	Genesee	Repair and Overlay	\$ 2,150,000	\$ 537,500
Court Street	Belsay Rd.	Vassar Rd.	Repair and Overlay	\$ 950,000	\$ 237,500
N.B Gd. Traverse	Bristol Rd.	Hemphill Rd.	HMA Resurface	\$ 645,000	\$ 161,250
Genesee Road	Davison	Potter	HMA Resurface	\$ 760,000	\$ 190,000
Bristol Road	Belsay Rd.	Vassar Rd.	Rubblize&Overlay	\$ 1,310,000	\$ 327,500
Term	Iron St	Atherton	Repair and Overlay	\$ 869,600	\$ 217,400
Maple Rd	Saginaw St.	Dort Hwy	Repair and Overlay	\$ 760,000	\$ 190,000
Bristol Road	Saginaw St.	Dort Hwy	HMA Resurface	\$ 1,934,840	\$ 483,710
Genesee Road	Atherton Rd.	Lippincott Rd.	Rubblize&Overlay	\$ 860,000	\$ 215,000
Subtotal				\$ 10,239,440	\$ 2,559,860
<u>Paser 5 Project</u>					
Lapeer Road	Center Rd.	Genesee Rd.	HMA Resurface	\$ 520,000	\$ 130,000
Lapeer Road	Genesee Rd.	Belsay Rd.	HMA Resurface	\$ 520,000	\$ 130,000
Court Street	Genesee Rd.	Belsay Rd.	HMA Resurface	\$ 520,000	\$ 130,000
Atherton	Belsay Rd	Vassar Rd	HMA Resurface	\$ 624,000	\$ 156,000
Subtotal				\$ 2,184,000	\$ 546,000
<u>Roadway Expansion/CMAQ</u>					
Bristol Road Roundabout		at Belsay	Roundabout	\$ 1,407,000	\$ 351,750
Subtotal				\$ 1,407,000	\$ 351,750
<u>Transportation Alternatives Program (TAP)</u>					
Burton Iron Belle Trail			Trail Project	\$ 1,200,000	\$ 300,000
Subtotal				\$ 1,200,000	\$ 300,000
				\$ 15,030,440	\$ 3,757,610

Attachment: Resolution of support for applications (5273 : Resolution of Support for 2023-2026 TIP Projects Applications)

I, Racheal Boggs, City Clerk of Burton, do certify that the above Resolution was duly adopted in conformance with Act 267 Public Acts of Michigan, 1976, at a Regular Council Meeting of the City of Burton Council held at Burton City Hall, January 6, 2022 by the following vote:

Ayes:

Nays:

Absent:

Duane Haskins, Mayor Date

Racheal Boggs, Clerk Date